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Children and armed conflict

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1539 (2004), by which the Council requested me to submit a report on the implementation of that resolution and its resolutions 1379 (2001) and 1460 (2003), providing information on compliance and progress in ending the recruitment and use of children in armed conflict by those parties mentioned in my 2003 report (A/58/546-S/2003/1053 and Corr.1 and 2), including information on other grave violations and abuses (see resolution 1539 (2004), para. 15 (a)); the action plan for a systematic and comprehensive monitoring and reporting mechanism (ibid., para. 2); incorporation of best practices for disarmament, demobilization and reintegration programmes (ibid., para. 15 (c)); and measures to control illicit subregional and cross-border activities that are harmful to children (ibid., para. 3).

II. Information on compliance and progress in ending the recruitment and use of children and other violations being committed against children

2. The present report provides information on developments covering the period from the issuance of my last report, on 10 November 2003, through December 2004.

3. The preparation of the present report involved broad consultations within the United Nations, particularly with the Task Force on Children and Armed Conflict at Headquarters, peacekeeping missions and country teams, as well as with Member States, regional organizations and non-governmental organizations. United Nations peacekeeping missions and United Nations country teams were the primary sources of the information contained in the report. Following the adoption of Security Council resolution 1539 (2004), my Special Representative for Children and Armed Conflict brought to the attention of United Nations peacekeeping missions and

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country teams the provisions of the resolution and its implications for their roles at the country level, emphasizing in particular their primary responsibility for ensuring effective follow-up to that resolution and other resolutions related to children and armed conflict.

4. The United Nations field representatives have encountered various constraints in the collection of information, including security problems, non-cooperation of parties and the absence of a coherent and functioning mechanism for monitoring and reporting at the country level. Because of similar constraints, there have been relatively few cases where United Nations representatives in the field have initiated dialogue as specific follow-up to and in implementation of Security Council resolution 1539 (2004). However, in several cases dialogue had been ongoing, typically concerning humanitarian access and disarmament, demobilization and reintegration programmes.

5. The experience of the United Nations peacekeeping missions and country teams in seeking to implement the provisions of Security Council resolution 1539 (2004) and to compile information for the present report underscores particularly the urgent importance of establishing a systematic and comprehensive monitoring and reporting mechanism.

6. Progress made by the parties listed in annexes I and II below and named in the body of my 2003 report has been assessed with respect to whether the parties have engaged in dialogue with United Nations field representatives as a follow-up to Security Council resolution 1539 (2004); whether, through this dialogue, or in the context of other processes, such as disarmament, demobilization and reintegration planning, they have developed action plans to end the use of child soldiers; whether they have, in fact, ceased recruiting and using child soldiers; and whether they have refrained from committing other grave violations against children.

7. In the context of the present report, it should be emphasized that there is no universally applicable definition of "armed conflict" in general, and in particular that the mandate of my Special Representative for Children and Armed Conflict does not contain a definition of the term. In the performance of his mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, focusing on ensuring broad and effective protection for children exposed to situations of concern, rather than dwelling on the definition of the term "armed conflict". Reference in the present report to any State or situation should not be construed as a legal determination that there exists a situation of armed conflict within the meaning of the Geneva Conventions and their Additional Protocols.

A. Information on compliance and progress in situations on the agenda of the Security Council

Developments in Afghanistan

8. Although skirmishes continued in Afghanistan between Government forces, remnants of the Taliban regime and regional and local warlords, the recruitment and use of child soldiers have declined significantly. In the reporting period, the United Nations country team could not obtain specific and reliable information on which factional armed groups may have continued to use children. No commitments have been made by these groups to end this practice. There have been no reported cases

of recruitment of children into the Afghan National Army. Meanwhile, the country team has continued to engage in dialogue with local commanders throughout the country in order to implement the Afghanistan New Beginnings Programme, the national disarmament, demobilization and reintegration process, launched in February 2004. Through a parallel child-specific demobilization and reintegration programme led by the United Nations Children's Fund (UNICEF), over 3,820 children were demobilized by September 2004 in the north-eastern, eastern, central highland and central regions.

Developments in Burundi

9. While the majority of parties in Burundi have made commitments to end the use of child soldiers and have begun to participate in disarmament, demobilization and reintegration processes, several armed groups have continued to recruit and use children. Since November 2003, child soldiers have been integrated into the national general disarmament and demobilization Joint Operations Plan. Through the Child Soldiers National Structure, more than 2,260 child soldiers from Forces armées burundaises (FAB) and allied civil defence militias (Gardiens de la paix) had been demobilized and reintegrated in their families by September 2004.

10. In conformity with Security Council resolution 1539 (2004), the executive secretariat for the national disarmament, demobilization and reintegration programme and the United Nations Operation in Burundi (ONUB) facilitated dialogue between the Child Soldiers National Structure and the Forces pour la défense de la démocratie (Kaze-FDD) of Jean Bosco Ndayikengurukiye, the Conseil national pour la défense de la démocratie (CNDD) of Leonard Nyangoma, the Forces nationales de liberation-Icanzo (FNL-Icanzo) of Alain Mugabarabona and the armed political parties Parti libérateur du peuple (PALIPE)-Agakiza of Etienne Karatasi and Front de libération nationale (FROLINA) of Joseph Karumba. This dialogue resulted, in early July 2004, in commitments from these five armed groups to cease recruitment of persons under the age of 18, to adhere to the normative standards protecting children against recruitment and to adopt the guiding principles of the child-soldiers demobilization process.

11. Representatives of the five armed groups were appointed to the Child Soldiers National Structure, and focal points were assigned to assembly areas where combatants — including children — awaited demobilization. By the end of August 2004, coordinators and focal points were trained by the Child Soldiers National Structure in many aspects of the disarmament, demobilization and reintegration of child soldiers, and action plans were designed for the demobilization of children by the end of 2004. The Conseil national pour la défense de la démocratie — Forces pour la défense de la démocratie (CNDD-FDD) of Pierre Nkurunziza has engaged in dialogue with the United Nations field team and has also appointed representatives to coordinate and facilitate the demobilization of children in their ranks. In December 2004, a second intensive phase of demobilization of child soldiers was launched. 618 children in the ranks of the six armed movements mentioned above were demobilized between 6 and 15 December. These children were transferred to the Gitega demobilization centre, which was reserved solely for children. By 31 December, all of the children were reintegrated in their communities.

12. Despite the above-mentioned progress, concerns remain regarding the recruitment of children by CNDD-FDD of Pierre Nkurunziza for civil defence

militias and by CNDD-Nyangoma in Bururi province (in the communes of Buyengero, Bururi, Matana, Songa and Burambi), where more than 40 youths left secondary schools in June 2004 for military training camps.

13. The Parti de libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL) of Agathon Rwasa has continued to use and recruit children. ONUB initiated dialogue with this armed group as a follow-up to Security Council resolution 1539 (2004); however, no commitments were received to end these practices, and dialogue was suspended after the massacre in the Gatumba refugee transit camp on 13 August 2004, for which FNL-Rwasa claimed responsibility. Armed attackers torched 7 of 15 shelters and killed more than 160 Congolese refugees, including children and women. An independent investigation into the Gatumba massacre, conducted by ONUB, the United Nations Mission in the Democratic Republic of the Congo (MONUC) and the Office of the United Nations High Commissioner for Human Rights (UNHCHR), confirmed the responsibility of FNL-Rwasa but did not provide conclusive evidence of the identity of other perpetrators. In April 2004, FNL-Rwasa destroyed a therapeutic nutritional centre in Kabezi. Renewed fighting in rural Bujumbura during July and August included attacks on schools, such as the Mutumba secondary school of Kabezi, which was targeted by FNL.

Developments in Côte d'Ivoire

14. In the 30 July 2004 Accra III Agreement, which was aimed at consolidating further the peace process in Côte d'Ivoire, parties committed themselves to the commencement of the disarmament, demobilization and reintegration process by 15 October 2004. UNICEF established dialogue with the Forces armées nationales de Côte d'Ivoire (FANCI) and the Forces armées des forces nouvelles (FAFN). This resulted in the release of 273 child soldiers from FAFN and the declaration by FAFN on 15 September 2003 that it would halt the recruitment of children within its ranks and those of allied militia groups under its control. Although no specific and reliable information has been obtained in the reporting period on recruitment by armed groups now integrated into the FAFN forces, children continue to be present in the ranks of the following, formerly independent, armed groups: the Mouvement pour la paix et la justice (MPJ), the Mouvement populaire ivoirien pour le Grand Ouest (MPIGO) and the Mouvement patriotique de Côte d'Ivoire (MPCI). The Office of the United Nations High Commissioner for Refugees (UNHCR) has reported that approximately 20 child members of the Lima *force supplétive* — which operates alongside FANCI — were recruited from the Nicla camp for Liberian refugees in western Côte d'Ivoire.

Developments in the Democratic Republic of the Congo

15. Since the establishment of the Transitional Government in the Democratic Republic of the Congo, the Forces armées congolaises (FAC, the armed forces of the former Government), the Mouvement de libération du Congo (MLC), the Rassemblement congolais pour la démocratie-Goma (RCD-Goma), the Rassemblement congolais pour la démocratie-Kisangani/Mouvement de libération (RCD-K/ML), the Rassemblement congolais pour la démocratie-National (RCD-N) and the main Mai-Mai groups represented at the inter-Congolese dialogue are being integrated into the new national army, the Forces armées de la République démocratique du Congo (FARDC). While this is a positive step, the various military

units have yet to be fully integrated; in many cases the units are only nominally FARDC, and some of them continued to use children. The slow progress in this restructuring has resulted in continued insecurity in many areas and has been one of the obstacles to ending armed conflict, thereby contributing as well to ongoing risks of recruitment and use of children.

16. In early 2004, the Transitional Government adopted a national policy and procedural framework for the disarmament, demobilization and reintegration of children in FARDC and all other armed groups. Reflecting constitutional and legislative provisions that had come into force over the past year, this framework reinforced the commitment that no persons under 18 years of age should be recruited into or present in any armed group or force. The Commission nationale de désarmement, démobilisation et réinsertion, the national disarmament, demobilization and reintegration body established in March 2004, has been actively planning the national disarmament, demobilization and reintegration programme with the Structure militaire d'integration, MONUC, the United Nations country team and NGOs. A certificate formalizing the release of children came into effect in May 2004. During the reporting period, MONUC, UNICEF and child protection partners have been collaborating with the Commission nationale in the ongoing separation of children from armed forces and groups, as well as in other child-related aspects of the national disarmament, demobilization and reintegration programme. They have also continued dialogue with military officials to advocate and plan the separation of children. This dialogue has involved direct contact with field-level commanders, the Ministry of Defence and the FARDC leadership. Since the designation of FARDC regional military commanders in October 2003, some 5,000 children, a small number of them girls, have been released from armed forces and groups. The planning of reintegration projects has also continued.

17. In Ituri, some progress has been made through dialogue with various armed groups as well as through collaborative disarmament, demobilization and reintegration planning by the United Nations country team and NGOs. In May 2004, the Forces armées populaires congolaises (FAPC), the Front nationaliste et integrationaliste (FNI), the Parti pour l'unité et la sauvegarde du Congo (PUSIC), the Union des patriotes congolais (UPC)-Thomas Lubanga faction and UPC-Floribert Kisembo faction formally committed themselves to participate in the disarmament and community reintegration programme, which first became operational in early September 2004. As of mid-December, almost 700 children had passed through this programme. An unspecified number of children had been released from these groups prior to the disarmament and community reintegration process. In November and early December there were a number of reports of harassment, arrest and re-recruitment of children who passed through the disarmament and community reintegration process in Kpandroma and Mahagi. There have been allegations, now under investigation, that three children who wished to enter the process were executed by elements of FAPC. Subsequently, MONUC intervened and dismantled the FAPC camp where these killings and other abuses reportedly took place in December. Three bodies, which could be those of the above-mentioned children, were subsequently found at the site.

18. Despite some of the advances mentioned above, thousands of children remain in the armed forces and armed groups in the Democratic Republic of the Congo, and recruitment, though not systematic, has continued. The *etat-major*, though reiterating its commitment to separate all children from FARDC, has not yet

provided adequate information about the presence of children in its numerous brigades. Although some regional and local commanders have released children, no mass release of children has yet taken place. Mai-Mai groups, some of them integrated into FARDC and mainly stationed in the Kivus, Maniema and Katanga, still have a high percentage of children in their ranks, and some have recruited children during the reporting period. The Ituri armed groups and Mudundu — 40 have used and at times recruited or re-recruited children in violation of commitments made. My Special Representative for the Democratic Republic of the Congo, in his 12 August 2004 letter to the Minister of Defence, raised concerns regarding the continuing recruitment and use of children, while noting the positive steps taken to initiate legal proceedings against a commander accused of recruitment of children in Bukavu. In response, the Minister of Defence passed the information to the Interior Minister and also to the Auditeur militaire of the FARDC *etat-major* for follow-up action. Further, the Minister of Human Rights urged the Interior Minister to remind the armed groups of their responsibilities.

19. The disarmament, demobilization, repatriation, resettlement and reintegration staff and child protection advisers of MONUC have established dialogue with the Force démocratique de libération du Rwanda (FDLR) and FDD, and during the past year these groups have released a small number of children, who have been repatriated to Rwanda and Burundi. However, security problems have been a major obstacle to the United Nations assessment of the compliance of these groups.

20. In addition to the above-mentioned groups, the dissident armed group led by Laurent Nkunda and Jules Mutebutsi recruited and used children during the Bukavu crisis in May and June 2004. This dissident armed group also engaged in rape and other sexual violence against children.

21. In areas affected by conflict in the Democratic Republic of the Congo, the majority of the above-mentioned groups have committed rape and other forms of sexual violence against children. In Ituri, an increase in the number of rapes of girls and women, often by armed men in uniform but of unidentified affiliation, was reported in and around Bunia and Mahagi in November and December. Judicial authorities in Ituri, reinstalled in 2004, have made efforts to prosecute those responsible for abuse but face many constraints. Most cases of rape of children in various parts of the Democratic Republic of the Congo were committed with impunity. It is hoped that the sentencing of an FARDC corporal in December to 20 years imprisonment for the rape of four young children and sexual abuse of four others will send a strong message that these crimes will not be tolerated.

22. Although the level of conflict has decreased since the establishment of the Transitional Government, there have been incidents where schools, hospitals and nutritional centres have been pillaged and attacked, notably in South Kivu by Nkunda and Mutebutsi's armed group in June 2004. The resumption of the conflict in North Kivu in December has caused more than 150,000 people to flee their villages. Although the exact number of children is unknown, it is likely that they constitute a significant proportion of the total. Reports were received of a massacre — primarily of women and children — allegedly carried out by ex-RCD-Goma rebels in Nyabiondo on 18 and 19 December in revenge for an attack by ex-Mai-Mai in the same area. MONUC is also looking into reports of killings and abductions by ex-RCD-Goma as they marched from Walikale to Masisi. It confirmed one killing by ex-RCD-Goma in Buramba (North Kivu). Reports of

killings of children by Mai-Mai, FDLR, FNI and FAPC were also received over the past year. Eight children were killed by FNI, in Lengabo (Ituri) in September 2004.

Developments in Liberia

23. The signing of the Liberia peace accord in Accra in August 2003, by the Movement for Democracy in Liberia (MODEL), Liberians United for Reconciliation and Democracy (LURD) and the former Government of Liberia, led to the establishment of the National Transitional Government of Liberia. MODEL, LURD and the former Armed Forces of Liberia (AFL) participated in the disarmament, demobilization, rehabilitation and reintegration programme that was initially launched in December 2003 and resumed in April 2004 in Gbarnga, Bong County. By October 2004, more than 10,000 children — including more than 2,300 girls — had been disarmed and demobilized and more than 9,600 children were reunified with their families.

24. Some 120 children from Sierra Leone, Guinea and Côte d'Ivoire have been demobilized from Liberian former fighting forces, and the International Committee of the Red Cross (ICRC) continued cross-border tracing and reunification. The United Nations Mission in Liberia (UNMIL), ICRC and the relevant Government ministries cooperated in ensuring the protection and security of the children during the repatriation and reunification process.

25. Rape and other acts of grave sexual violence were committed against girls who were recruited or abducted by the former armed forces and other armed groups in Liberia. Approximately 75 per cent of demobilized girls who passed through the interim care centres reported having suffered some form of sexual abuse or exploitation. Despite the cessation of hostilities, reports of rape and other forms of sexual violence have persisted in camps for internally displaced persons, and girls have continued to be trafficked in and out of Liberia for sexual purposes.

Developments in Somalia

26. Substantial progress in the peace process in Somalia was made with the completion of the Somali National Reconciliation Conference and the formation of the Transitional Federal Government. Although several of the main faction leaders pledged to demobilize their militias, several of these used significant numbers of child soldiers during the reporting period. These include the United Somali Congress/Somali Salvation Alliance (USC/SSA)-faction of Muse Sudi Yalahow, the Juba Valley Alliance, the Rahanwein Resistance Army (RRA) of Mohamed Ibrahim Habsade and the Lower Shabelle Administration (all alliance member factions of the Somali National Salvation Council (SNSC)); the Puntland Administration, the Middle Shabelle Administration, the Somali Patriotic Movement/Somali Reconciliation and Restoration Council (SPM/SRRC) and the RRA/SRRC of Mohamed Nir "Sharti gadud" (all alliance member factions of the SRRC); and the USC of Mohamed Kanyare Afrah and the USC of Omar Mohamed. The Somalia United Nations country team is in the process of preparing a "deed of commitment" document on protection and human rights, with provisions concerning the cessation of recruitment and the disarmament, demobilization and reintegration of child soldiers, to which adherence by all armed parties will be sought. With the current peace process in its final phase and fighting still ongoing in parts of the country, there is no national disarmament, demobilization and reintegration programme.

Nevertheless, local child-soldier disarmament, demobilization and reintegration projects have been implemented in Mogadishu, Merca and Kismayo, where 360 children were demobilized by September 2004.

Developments in the Sudan

27. The United Nations has actively facilitated the Intergovernmental Authority on Development-led north-south peace talks between the Government of the Sudan and the Sudan People's Liberation Movement/Army (SPLM/A), which resulted in the signing of the Comprehensive Peace Agreement on 31 December 2004, as well as assisting African Union efforts to find a political solution for the ongoing crisis in Darfur.

28. Ongoing dialogue between the United Nations and SPLM/A — particularly concerning the recruitment and use of child soldiers and their disarmament, demobilization and reintegration — resulted in the demobilization of 800 children in Western Upper Nile in early 2004. A draft interim policy for SPLM/A on the prevention of the recruitment and use and the disarmament, demobilization and reintegration of child soldiers has been developed for inclusion in the national disarmament, demobilization and reintegration programme. Nevertheless, SPLM/A has continued its recruitment and re-recruitment of children.

29. The United Nations country team has not yet been able to initiate dialogue with the South Sudan Unity Movement (SSUM), which continued to recruit and use children and has not developed an action plan to halt this practice.

30. The Janjaweed have used children within their ranks in Darfur, have killed and maimed children and have committed widespread rape and other grave sexual violence against women and children.

31. In July and August 2004, a Human Rights Watch mission to Darfur observed child soldiers with the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM). The African Union Ceasefire Commission has reported recruitment of child soldiers by SLM/A. The United Nations team was planning to engage in dialogue with SLM/A at the time of the writing of the present report.

Developments in the occupied Palestinian territory and Israel

32. The continued Israeli-Palestinian conflict has had a deep impact on the lives of children. Both Palestinian and Israeli children have been exposed to high levels of violence, including killing, maiming and injury. In several instances, Palestinian children have been wounded or killed while on the premises of schools run by the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Israeli children have been among the victims of Palestinian suicide bombings and other violence during the reporting period.

Developments in Iraq

33. Because of security concerns it has not been possible to make a comprehensive United Nations assessment on the situation of children in Iraq. However, numerous other sources have established that many children have been killed or maimed as a consequence of the violence there. Numerous children were killed or injured during air bombings and other military operations carried out by Coalition/multinational

forces and Iraqi forces in urban centres. In some cases, access to hospitals was hindered by such military operations. Children were also the victims of numerous attacks by armed groups. The Iraqi Ministry of Health reported that approximately 125 children had died throughout Iraq as a result of military acts between April and August 2004. Children are also among the many Iraqis abducted for ransom by Iraqi armed groups.

34. Threats to children posed by unexploded ordnance, landmines and other live ammunition within Iraq persisted throughout 2004; in Baghdad alone, there were an estimated 800 hazardous sites, the majority containing cluster bombs and caches of dumped ammunition.

35. The unstable security situation in 2004 not only severely constrained the reconstruction of health and educational infrastructure, but resulted in attacks on schoolchildren, schools and hospitals.

B. Information on compliance and progress in situations not on the agenda of the Security Council or in other situations of concern

Developments in Colombia

36. Some progress has been made in ending the recruitment and use of children by illegal armed groups in Colombia. Following its December 2002 ceasefire, the Autodefensas Unidas de Colombia (AUC) stated that it would release all children under the age of 18 from its ranks. Since that date, the Bloque Central Bolívar, the Bloque Cacique Nutibara, the Bloque Metro and the Bloque Calima of AUC have handed over nearly 180 children to joint commissions composed of representatives of the Government of Colombia's High Commissioner for Peace, the Colombian Institute for Family Welfare, the Office of the Ombudsperson and UNICEF. With the active support of the Government of Colombia, UNICEF undertook informal exploratory talks with AUC and the Ejército de Liberación Nacional (ELN). However, despite the willingness demonstrated by these groups to engage in dialogue, no commitments were made to halt the recruitment and use of children. The Fuerzas Armadas Revolucionarias de Colombia (FARC), the Autodefensas Unidas del Sur del Casanare (AUSC), the Autodefensas Campesinas de Córdoba y Urabá (ACCU), the Autodefensas de Magdalena Medio (ACMM), the Autodefensas del Meta (AM), the Autodefensas Campesinas del Sur del Cesar (ACSC), the Bloque Centauros, the Bloque Norte, the Bloque Mineros, the Bloque Pacífico, the Autodefensas del Puerto Boyaca (APB) and the Autodefensas de Cundinamarca (AC) also continued to recruit and use children and have not made a commitment to stop these practices.

37. Despite this unacceptable situation, the national disarmament, demobilization and reintegration programme of the Colombian Institute for Family Welfare has assisted over 800 children who left illegal armed groups between November 2003 and December 2004. Another 550 children were assisted during the last two years by the International Organization for Migration's disarmament, demobilization and reintegration programme for indigenous and Afro-Colombian children in Chocó and Cauca provinces.

38. Members of illegal armed groups were alleged to have killed and maimed children as well as committed rape and other forms of sexual violence against

children. In September 2004, FARC killed a 15-year-old girl whom they had kidnapped in 2003. Landmines and unexploded ordnance continued to claim the lives of children.

Developments in Myanmar

39. Although ceasefire agreements between the Government of Myanmar and 17 non-State armed groups remained in force, there continued to be skirmishes between the Government armed forces (Tatmadaw) and the Karen National Liberation Army (KNLA), the Karenni Army (KA), the Shan State Army-South (SSA-South) and small armed opposition groups in Mon state. In January 2004 the Government established the Committee for the Prevention of Military Recruitment of Under-Age Children. The Committee developed a plan of action, adopted in early October 2004, which included provisions for the discharge of children under 18 from military service and their reintegration into their families and communities.

40. Although practical constraints have prevented a comprehensive assessment of the use of minors by Government armed forces and non-State armed groups in 2004, there continued to be reliable reports from the United Nations country team, diplomatic missions and NGOs about the recruitment and use of children by Government armed forces and a range of non-State armed groups. No commitments to halt such practices were received from KNLA and KA, parties which were mentioned in my 2003 report.

Developments in Nepal

41. The United Nations country team in Nepal has initiated contacts with the Communist Party of Nepal-Maoist (CPN-M), mainly regarding general humanitarian principles and access, and in May 2004 it initiated engagement with CPN-M commanders at the local level to discuss issues concerning women and children, including under-age recruitment. However, no commitment or action plan to halt the recruitment and use of children emerged from these discussions, nor have child disarmament, demobilization and reintegration programmes been established. Intensified conflicts between CPN-M and Government forces resulted in large numbers of children being trained as soldiers in CPN-M strongholds in the districts of Jumla and Jajarkot, in mid-western Nepal. Since January 2002, the Maoists have abducted several thousand children, girls as well as boys. Although the majority of abducted children have been allowed to return to their homes, after a couple of weeks of ideological indoctrination and military training, they have remained "on call" for operational duties and, when required, have often been attached to the main armed groups in their areas.

42. CPN-M has engaged in the killing and maiming of children; between January and June 2004, over 50 children were killed and 110 injured. Some children suspected of involvement with CPN-M have been killed by security forces, including unarmed children accused of serving in non-combatant roles.

43. A large number of schools were closed due to the efforts of CPN-M to mobilize students into its "student wing", the All Nepal National Independent Student Union (Revolutionary) (ANNISU-R); these activities sometimes involved the abduction and murder of teachers.

Developments in Northern Ireland

44. In the reporting period, it was not possible to obtain specific and reliable information concerning the recruitment of children by paramilitary groups in Northern Ireland. No commitments were made by any of these groups to end this practice or to refrain from other abuses against children, including paramilitary-style assaults and paramilitary-style shootings.

Developments in the Philippines

45. Significant progress has been made in the Philippines with the 14 February 2004 agreement between the Government of the Philippines and the National Democratic Front to establish the Joint Monitoring Committee to monitor the implementation of the 1998 Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law. The Office of the Presidential Adviser on the Peace Process and the Council for the Welfare of Children reactivated the Inter-Agency Committee for Children Involved in Armed Conflict. The Inter-Agency Committee has identified strategies to provide for the protection of such children, including the provision of legal and judicial assistance, direct negotiations with armed groups to stop the recruitment and use of children, services for the healing and reintegration of child former combatants and the development of a communications plan and database. The Inter-Agency Committee was mandated to initiate projects for the prevention of recruitment and for the rescue, rehabilitation and reintegration of children involved in armed conflict. In September 2004, President Arroyo unveiled the basic framework of a new Government peace plan that includes stipulations for the prevention of the recruitment and use of children in armed conflict, as part of the continuation and conclusion of formal peace talks with the Moro Islamic Liberation Front (MILF) and the National Democratic Front-New People's Army (NDF-NPA), parties known to have child soldiers in their ranks.

46. As of September 2004, no measures for the disarmament, demobilization and reintegration of child soldiers had been taken by NDF-NPA or MILF. A joint needs assessment of MILF communities — conducted under the auspices of the World Bank, the United Nations country team and the Government — will provide information and guidance for recruitment prevention and reintegration of child soldiers; these initiatives will be pursued once a peace agreement is reached with MILF. The United Nations country team has been further engaged in dialogue with the Office of the Presidential Adviser on the Peace Process in order to develop a disarmament, demobilization and reintegration programme. No reports were received on continuing recruitment or use of children by the Moro National Liberation Front (MNLF), which became largely inactive as an armed group, and no reports exist of recruitment by the Abu Sayyaf Group (ASG).

Developments in the Russian Federation

47. The targeting and terrorizing of children by Chechen illegal armed groups reached an unprecedented level in the September 2004 hostage-taking of children, parents and teachers at Middle School No. 1 in Beslan, North Ossetia, of the Russian Federation. This act of terror, for which Shamil Basayev's illegal armed group claimed responsibility, resulted in the deaths of over 330 people, more than half of whom were children. Over 200 children were injured. The Prosecutor-General of the Russian Federation is conducting an official investigation into the

hostage-taking tragedy in Beslan. In the reporting period, the United Nations country team in the Russian Federation was not able to obtain specific and reliable information on recruitment or use of children by these groups. No commitments were made by any of these illegal armed groups to end this practice.

Developments in Sri Lanka

48. Despite some progress achieved in Sri Lanka with the July 2003 signing by the Liberation Tigers of Tamil Eelam (LTTE) of the Action Plan for Children Affected by War, in which that armed group agreed to halt recruitment and release all children within its ranks, LTTE has continued to use and recruit children. During 2004, more than 1,000 cases of new recruitment and re-recruitment were reported to UNICEF, a high percentage of the recruits being girls. Re-recruitment was particularly high in the eastern part of the country. Altogether, there have been more than 4,700 cases of child recruitment, some involving children as young as 11, since April 2001. Of these children, more than 2,900 have returned or been released to their families, including approximately 1,230 who were formally released and over 1,660 who went home following fighting in eastern Sri Lanka in April 2004 and the fall of the Karuna faction of LTTE. In addition, at least 550 children have run away from LTTE during the reporting period.

49. LTTE has often carried out recruitment by force, abducting children while on their way to school or during religious festivities, and beating families and teachers who resisted the seizure of the children.

Developments in Uganda

50. The Lord's Resistance Army (LRA) continued to recruit and use children in northern Uganda. Efforts were under way at the end of 2004 to negotiate a cessation of hostilities, and a first direct meeting between a delegation of the Government of Uganda and LRA took place on 29 December in northern Uganda. However, no dialogue on the issue of the recruitment and use of children had been established with LRA, nor had it made commitments to end these practices. Between October 2003 and July 2004, LRA abducted at least 3,000 children, including some 1,600 in the Gulu district and nearly 250 in the Kitgum district. In the same period, local reception centres facilitating the reintegration of formerly abducted children in the Gulu, Pader, Kitgum and Lira districts received 2,133 new child escapees.

51. LRA has also been responsible for the killing and maiming of children. For example, 15 children were killed in the massacre of 42 civilians at Lukodi in May 2004. LRA has also been involved in widespread sexual violence against girls whom it has abducted. A particularly horrendous massacre took place in February 2004 in the Barlonyo camp for internally displaced persons in Lira district. Out of more than 200 persons killed, 67 were children. To date, no independent investigation has been conducted into the Barlonyo massacre.

52. UNICEF and child protection NGOs have engaged in dialogue with the Uganda People's Defence Force (UPDF) and affiliated Local Defence Units (LDUs) regarding the recruitment and use of children. The Human Rights Desk of UPDF reported that it had been given responsibility for screening new recruits to ensure compliance with the national legislation forbidding conscription under the age of 18. However, UPDF had not yet established an operational system for determining whether recruits are of age.

53. Despite this progress, spot checks by child protection agencies, facilitated by UPDF, have found some children in the ranks of the UPDF 105 battalion, largely comprising re-recruited LRA members, and in LDUs.

C. Sexual exploitation and abuse by United Nations peacekeeping personnel

54. Notwithstanding the fact that tens of thousands of United Nations peacekeepers serve with distinction across the world, in 2004 the number of allegations of sexual misconduct against United Nations peacekeeping personnel increased significantly. In the Democratic Republic of the Congo, a large number of allegations of sexual exploitation and abuse of local women and children were made against both military and civilian peacekeeping personnel. A series of United Nations investigations into these allegations have so far resulted in cases for disciplinary action being made against 20 military personnel. In addition, allegations relating to five civilian peacekeeping personnel in the Democratic Republic of the Congo have led to one resignation and one civilian being held in detention in France on criminal charges. The Department of Peacekeeping Operations is continuing investigations into all outstanding allegations of sexual exploitation and abuse against peacekeeping personnel in the Democratic Republic of the Congo.

55. In October 2004, my Adviser on sexual exploitation and abuse, Prince Zeid Ra'ad Zeid Al-Hussein, Permanent Representative of Jordan to the United Nations, undertook a preliminary assessment of the situation in the Democratic Republic of the Congo. Further to that visit and the report of the Office of Internal Oversight Services investigation into sexual exploitation and abuse by peacekeeping personnel in the Democratic Republic of the Congo, I am deeply concerned to learn that the problem appears to be more serious and widespread than previously known. Peacekeeping personnel come to help countries and communities torn by war. It is imperative that, whether civilian or uniformed, they uphold the trust that the local population and the international community have placed in them.

56. Procedures to address sexual exploitation and abuse have been in place in the past in peacekeeping operations. However, our current approach to addressing this problem needs to be seriously reviewed across all peacekeeping operations. To this end, informal consultations with troop- and police-contributing countries have been initiated to identify joint solutions to the problem of sexual exploitation and abuse in peacekeeping contexts.

D. Recommendation

57. In view of the widespread and unacceptable patterns of violations recorded in the present report, I recommend that the Security Council take targeted and concrete measures where insufficient or no progress has been made by parties named in the lists annexed to my reports, in accordance with its resolutions 1379 (2001), 1460 (2003) and 1539 (2004). Such measures should include the imposition of travel restrictions on leaders and their exclusion from any governance structures and amnesty provisions, the imposition of arms embargoes, a ban on military assistance and restrictions on the flow of financial resources to the parties concerned.

III. Action plan for the establishment of a monitoring, reporting and compliance mechanism

A. Introduction

58. The present section of the report is in response to the request of the Security Council in its resolution 1539 (2004), paragraph 2, for the devising of an action plan for a systematic and comprehensive monitoring, reporting and compliance mechanism.

59. The proposals discussed below represent an action plan for the establishment of a monitoring, reporting and compliance mechanism, composed of various bodies and actors, each of which brings the role and added value of its area of jurisdiction, mandate, competence and expertise. The proposed actions, taken together, are designed to create a critical mass of response to ensure compliance and bring about the "era of application". This action plan builds on the proposals for monitoring and reporting submitted to the Security Council in 2003 and my report to the General Assembly (A/59/331) of 3 September 2004, and draws on extensive consultations on this issue conducted among all stakeholders, particularly Member States, United Nations entities, regional organizations and NGOs.

60. The Graça Machel report of 1996 on the impact of armed conflict on children laid the foundation for the children and armed conflict agenda and constituted a seminal call to action. In the course of the past several years, my Special Representative for Children and Armed Conflict has led collective efforts, involving UNICEF and other United Nations entities, Governments, regional organizations and NGOs, to develop and transform the children and armed conflict agenda into concrete actions and initiatives. These have yielded important, tangible results and generated strong momentum for the children and armed conflict agenda:

(a) There is greatly increased visibility, global awareness and advocacy on children and armed conflict issues;

(b) The protection of war-affected children has been firmly placed on the international peace-and-security agenda;

(c) An impressive and comprehensive body of children and armed conflict norms has now been put in place;

(d) The protection and well-being of children are increasingly reflected in the mandates, training and reports of United Nations peacekeeping operations;

(e) Key regional organizations — such as the European Union, the Organization for Security and Cooperation in Europe, the Organization of American States, the African Union, the Commonwealth, the Economic Community of West African States (ECOWAS), the Human Security Network and the Group of Eight industrialized countries — have adopted children and armed conflict concerns as part of their own agendas through important political declarations, advocacy and programme activities;

(f) Children's concerns are increasingly being considered in peace negotiations, peace accords and post-conflict programmes for rehabilitation and rebuilding;

(g) A major movement for advocacy and operational activities on the children and armed conflict agenda has developed among NGOs;

(h) The mainstreaming of children and armed conflict issues is taking hold in several institutions and mechanisms, within and outside the United Nations;

(i) Transitional justice processes and mechanisms have incorporated children and armed conflict concerns to hold accountable those responsible for crimes against children;

(j) Important local initiatives on children and armed conflict issues have been developed in several countries;

(k) The establishment of the role of child protection advisers, and their deployment, in peacekeeping operations represents an important innovation designed to ensure that children and armed conflict concerns are integrated in a significant way into all aspects of peace operations;

(l) The practice of listing offending parties in the Secretary-General's annual reports to the Security Council represents a landmark development for monitoring and reporting;

(m) The systematic practice of obtaining concrete commitments and benchmarks from parties to conflict is being developed;

(n) There are initiatives to develop the systematic documentation of abuses against children in conflict situations, such as the databases on abduction in Uganda and on recruitment in Sri Lanka, developed by UNICEF.

61. In spite of these advances, the situation for children remains grave and unacceptable on the ground. The international community is now faced with a cruel dichotomy. On the one hand, clear and strong children and armed conflict protection standards and important concrete initiatives, particularly at the international level, have been developed. On the other hand, atrocities against children and impunity for violators continue largely unabated on the ground.

62. The key to bridging this gulf lies in a systematic campaign for the "era of application". My Special Representative has made the campaign for the era of application a leitmotif of his advocacy, urging the international community to redirect its energies from the normative task of the elaboration of standards to the compliance mission of ensuring their application on the ground.

63. The call for the era of application has been endorsed by the Security Council, and in its resolution 1539 (2004), the Council called for the urgent establishment of a monitoring and reporting mechanism.

64. The campaign for the era of application encompasses four key components: advocacy and dissemination of children and armed conflict norms; developing and strengthening local civil society networks for protection, monitoring and rehabilitation; mainstreaming children and armed conflict issues into the programmes and mechanisms of key institutions, within and outside the United Nations; and the establishment of a monitoring, reporting and compliance mechanism to ensure compliance with children and armed conflict norms.

B. Monitoring and reporting, leading to action

65. The purpose of a monitoring, reporting and compliance mechanism is to provide for the systematic gathering of objective, specific and reliable information on grave violations committed against children in situations of armed conflict, leading to well-informed, concerted and effective responses to ensure compliance with international and local children and armed conflict protection norms. An objective of the present report is to set out an action plan for the development of such a mechanism.

66. The present section of the report addresses several pertinent issues concerning the establishment of a monitoring, reporting and compliance mechanism, in particular the following:

(a) The most grave violations that should be particularly monitored;

(b) Standards that constitute the basis for monitoring;

(c) Parties whose activities should be monitored;

(d) The gathering and compilation of information at the country level;

(e) The review and integration of information and the preparation of reports at the Headquarters level;

(f) Bodies that constitute "destinations for action" for monitoring reports.

67. The proposed monitoring, reporting and compliance mechanism draws on existing resources at both the national and the international level. Thus, no new entity or structure will be established for this purpose. The mechanism operates at three principal levels: information-gathering, coordination and action at the country level; coordination, scrutiny and integration of information and preparation of reports at the Headquarters level; and concrete actions to ensure compliance, to be taken particularly by bodies that constitute "destinations for action". My Special Representative and UNICEF will play a particularly important role in the establishment and implementation of this mechanism.

C. The most grave violations that should be particularly monitored

68. Certain practices should receive priority attention, both because they constitute especially egregious violations against children and because they can be monitored. Specifically, monitoring efforts should focus on the following six grave violations:

(a) Killing or maiming of children;

(b) Recruiting or using child soldiers;

(c) Attacks against schools or hospitals;

(d) Rape or other grave sexual violence against children;

(e) Abduction of children;

(f) Denial of humanitarian access for children.

Although some of the above-stated abuses may occur in non-conflict situations, the monitoring and reporting regime proposed here is specific to situations of armed

conflict. Within this framework, particular priorities may vary according to specific situations.

D. The standards that constitute the basis for monitoring

69. A credible monitoring, reporting and compliance mechanism must be based on specific and clear standards. There is now a comprehensive body of such instruments and norms in place for the protection of war-affected children. These standards, listed below, are specific and provide well-defined yardsticks for monitoring and reporting violations against children in situations of armed conflict.

70. At the international level these standards include the Convention on the Rights of the Child (1989) and its Optional Protocol on the Involvement of Children in Armed Conflict (2000); the Rome Statute of the International Criminal Court (1998); International Labour Organization (ILO) Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999); the African Charter on the Rights and Welfare of the African Child (1999); the Geneva Conventions (1949) and their two Additional Protocols (1977); and Security Council resolutions 1261 (1999), 1314 (2001), 1379 (2001), 1460 (2003) and 1539 (2004), which are devoted to the subject of children and armed conflict.

71. In addition to these international instruments and norms, national legislation exists that provides for the protection, rights and well-being of children. There are also concrete commitments on children and armed conflict which have been entered into by parties to conflict.

72. Peace accords incorporating children and armed conflict commitments, such as the 1998 Good Friday Agreement on Northern Ireland, the 1999 Lomé Peace Agreement on Sierra Leone, the 2000 Arusha Peace and Reconciliation Agreement for Burundi and the 2003 Accra Peace Agreement on Liberia, also constitute clear standards for the protection of children and their prioritization in post-conflict peacebuilding and reconstruction.

73. Significantly, various societies can draw on their own traditional norms governing the conduct of warfare. Societies throughout history have recognized the obligation to provide children special protection from harm, even in times of war. Distinctions between acceptable and unacceptable practices have been maintained, as have time-honoured taboos and injunctions proscribing the indiscriminate targeting of civilian populations, especially children and women.

E. Parties whose activities should be monitored

74. An effective monitoring, reporting and compliance regime must monitor and seek to influence the conduct of all parties to conflict, Governments as well as insurgency groups. In this respect, it is also important to monitor the conduct of international peacekeeping and humanitarian personnel.

75. The international instruments and standards listed above, which constitute the normative yardsticks for monitoring violations, address and place obligations at the doorsteps of all parties to conflict. It is crucial to engage in protection dialogue with all entities whose actions have a significant impact on children, without any

implications as to their political or juridical status. My Special Representative for Children and Armed Conflict and UNICEF have developed a systematic practice of engaging in dialogue with and obtaining concrete commitments from all parties to conflict, and the Security Council has called on all parties to conflict to observe the concrete commitments they have undertaken.

76. The lists submitted to the Security Council, which identify the offending parties, encompass all offending parties, while preserving a clear distinction between parties in situations on the agenda of the Security Council and parties in situations not on the agenda of the Council and other situations of concern.

77. At political and practical levels there are levers of influence that can have significant sway with all parties to conflict. In today's world, parties to conflict cannot operate as islands unto themselves. The viability and success of their political and military projects depend on networks of cooperation and good will that link them to the outside world, to their immediate neighbourhood as well as to the wider international community. There are, consequently, powerful factors that can influence all parties to conflict: the force of international and national public opinion; the desire of the parties for acceptability and legitimacy at the national and the international level; international accountability as enforced by the International Criminal Court and ad hoc tribunals; restrictions on the external provision of arms, financial flows and illicit trade in natural resources; the growing strength and vigilance of international and national civil societies; and media exposure.

F. Gathering, vetting and compiling information at the country level

78. At the forefront of efforts to advocate, monitor and ensure compliance for the era of application are country-level child protection actors, some of which are already engaged in various levels of monitoring and reporting activities. United Nations peacekeeping operations and United Nations country teams, under the leadership of Special Representatives of the Secretary-General and resident coordinators, respectively, are present and active in virtually all conflict-affected situations. Their presence, knowledge and ongoing operations provide unique opportunities for advocacy, monitoring and reporting. As reaffirmed in Security Council resolution 1539 (2004), the primary responsibility for follow-up, coordination and monitoring of children and armed conflict issues at the country level belongs to the United Nations field teams, both peacekeeping operations and country teams, consistent within their respective mandates.

79. Child protection networks, which bring together all stakeholders concerned with child protection and rehabilitation in informal networks and forums for dialogue and collaboration, now exist in several war-affected countries and situations. These informal networks should provide resources for building a structured and concerted children and armed conflict monitoring and reporting system on the ground. Child protection networks are typically composed of United Nations actors, relevant Government ministries or institutions, international NGOs and local NGOs and civil society organizations, which undertake a range of advocacy and programmatic activities for the benefit of children. Where they are not yet in place, UNICEF and United Nations peacekeeping operations (child protection advisers) should undertake to facilitate the formation of child protection networks in those war-affected countries.

80. In each country where children and armed conflict is an issue, a task force on monitoring and reporting will be constituted, involving key members of the child protection network. The task force on monitoring and reporting should be the primary focus and locus for action on monitoring and reporting at the country level — gathering, vetting and integrating field-level information and providing reports to the country Special Representatives of the Secretary-General or resident coordinators, who, in turn, transmit the reports to my Special Representative for Children and Armed Conflict.

81. It is crucial to support and strengthen national institutions for the protection and rehabilitation of children in conflict and post-conflict situations. The development and strengthening of civil society networks for advocacy, protection, monitoring and rehabilitation, at the national and the subregional level, should become a particular priority. This is the best way to ensure local ownership and sustainability. It will require enhanced support and assistance from international partners.

Actions to be undertaken by United Nations field teams

82. Special Representatives of the Secretary-General and resident coordinators are ultimately responsible for ensuring United Nations-wide follow-up, mainstreaming, coordination and monitoring and engaging in dialogue with parties to conflict on children and armed conflict issues; they are the focal points at the country level. They may delegate day-to-day responsibility for these tasks to the task forces on monitoring and reporting. The direct leadership and personal involvement of Special Representatives of the Secretary-General and resident coordinators, in consultation with UNICEF, is critical with respect to key issues such as dialogue, action plans and specific political démarches at the country level with Government authorities and other concerned parties.

83. Task forces on monitoring and reporting should be constituted and, whenever possible, draw particularly from child protection networks on the ground. A task force on monitoring and reporting should be a selected and cohesive group of those United Nations actors (peacekeeping operations, UNICEF, the Office for the Coordination of Humanitarian Affairs, UNHCR, UNHCHR, the United Nations Development Programme (UNDP)) and NGO actors that have experience in and are most directly concerned with monitoring and reporting. The task force on monitoring and reporting would serve as both the locus and the focus of action, responsible for determining the division of labour; coordinating the gathering of information on the ground; vetting and confirming the accuracy of information received; integrating and providing quality control for the information received; providing feedback to local communities and civil society organizations; providing guidance and training in methodology, as well as in ethical and security matters, to information gatherers; making determinations on practical and political constraints, with recommendations to Special Representatives of the Secretary-General or resident coordinators, as necessary; and preparing the monitoring and compliance country reports. Where there is a peacekeeping mission, the task force on monitoring and reporting would be coordinated and co-chaired by the Deputy Special Representative of the Secretary-General and a UNICEF representative, with the former serving as the reporting conduit to the Special Representative of the Secretary-General. In a country without a peacekeeping mission, the UNICEF

representative would chair the task force and report in this regard to the resident coordinator.

84. In order to perform effectively the functions of protection, monitoring and reporting, UNICEF, UNHCR, peacekeeping operations, UNHCHR and the Office for the Coordination of Humanitarian Affairs, as United Nations entities with important child-protection mandates, will take concrete steps to strengthen the capacities of their field presence in terms of personnel, training and funding. Similarly, NGOs involved in monitoring and reporting should also strengthen their capacities for this purpose.

85. In peacekeeping missions, advocacy and monitoring and reporting on child protection should constitute a core function for child protection advisers. Other personnel, such as human rights officers, humanitarian affairs officers and military observers, should be fully briefed on child protection issues during their pre-deployment and in-mission training with a view to facilitating their mainstreaming into the mission's activities. Within United Nations country teams, these functions depend particularly on UNICEF providing leadership, in close cooperation with UNHCR, UNHCHR and the Office for the Coordination of Humanitarian Affairs. In carrying out their respective roles, a collaborative division of labour should be developed to ensure inter-agency coordination at the country level.

86. To ensure the reliability of information and devise a system for quality control and confidentiality, each task force on monitoring and reporting should establish a rigorous and systematic procedure for vetting information gathered, protecting sources and ensuring the security of the raw data. Although general monitoring and reporting practices may be the same across country situations, country-level particularities will necessitate specific approaches by the task force. Ultimately, it is critical that information transmitted be objective, accurate and precise. Typically, such information should include concise descriptions, specifying incidents of violations, where and when the incidents occurred and the identity of parties responsible for committing the violations.

87. Task forces on monitoring and reporting should prepare annual country reports, monthly reports on relevant developments and alert reports as necessary.

88. Under the coordination and management of UNICEF, a task force on monitoring and reporting should establish and maintain a monitoring and reporting information database at the country level, which feeds into the central monitoring and reporting information database at the Headquarters level.

89. In order to encourage and develop effective "neighbourhood initiatives" to address cross-border and subregional children and armed conflict concerns, it is necessary to constitute a neighbourhood consultation framework — "neighbourhood watch" — that would periodically bring together UNICEF, United Nations peacekeeping operations (child protection advisers) and other child protection actors within neighbouring countries to address common challenges, strengthen collaboration, share information and explore joint initiatives and reporting, in cooperation with the Governments concerned.

90. Task forces on monitoring and reporting should undertake periodic assessments of best practices and lessons learned, in the context of children and armed conflict monitoring and reporting. Lessons learned at the country level should be shared with Headquarters and the "neighbourhood watch".

91. In order to promote children and armed conflict protection and mainstreaming, the Security Council should, when necessary, consider including child protection in the mandates of peacekeeping missions, and Special Representatives of the Secretary-General should take concrete steps, consistent within their mandates, to ensure that their country reports devote specific sections to child protection, as stipulated by the Council in its resolutions 1460 (2003) and 1539 (2004).

G. Review and integration of information and the preparation of reports at the Headquarters level

92. Information gathered at the country level is transmitted to the Office of the Special Representative of the Secretary-General for Children and Armed Conflict by Special Representatives of the Secretary-General or resident coordinators, for review, consolidation and compilation into monitoring and compliance reports. This Headquarters exercise is spearheaded by the Office of the Special Representative for Children and Armed Conflict, which is the focal point for the preparation of the Secretary-General's report and the convener of the Task Force on Children and Armed Conflict. The Task Force, established since May 2000, consists of the Office of the Special Representative for Children and Armed Conflict, UNICEF, the Department of Peacekeeping Operations, the Department of Political Affairs, the Office of Legal Affairs, UNHCHR, the Office for the Coordination of Humanitarian Affairs, the United Nations Development Fund for Women (UNIFEM), the Department for Disarmament Affairs, the Office of the Special Adviser on Africa, the Office of the Special Adviser on Gender Issues and Advancement of Women, UNHCR, UNDP and ILO.

93. Working in close consultation with the Task Force on Children and Armed Conflict, the Office of the Special Representative for Children and Armed Conflict will be responsible for scrutinizing and consolidating the country reports and compiling the information into an annual monitoring and compliance report. In the preparation of this report, the Office of the Special Representative will coordinate the consolidation of information and the preparation of monitoring reports; scrutinize information received and seek necessary clarification from United Nations field teams; draft the monitoring and compliance reports; prepare lists of offending parties, while maintaining a clear separation between parties in situations on the agenda of the Security Council and parties in situations not on the agenda of the Council; distribute draft reports to members of the Task Force on Children and Armed Conflict for their review, inputs and comments; convene the Task Force for reviews of and consultations on structure, content, monitoring lists and scrutiny of draft reports; and consult with and solicit inputs and comments from delegations, regional organizations, ICRC and NGOs.

94. The annual report should be comprehensive in approach, encompassing the aforementioned six categories of grave violations, in situations of armed conflict and other situations of concern. It should provide concise, objective and accurate information on violations. Where applicable, the report should also record concrete examples of protection and compliance measures undertaken by parties to conflict.

95. A steering committee of the Task Force on Children and Armed Conflict will be convened to undertake a regular review of overall progress in monitoring and reporting, focusing particularly on the implementation and functioning of the

mechanism. The steering committee, which will meet at the level of principals twice a year and at the level of experts every month, will be composed of the following members of the Task Force: the Office of the Special Representative for Children and Armed Conflict UNICEF, the Office for the Coordination of Humanitarian Affairs, the Department of Peacekeeping Operations, UNHCR and UNHCHR.

96. In the context of preparing monitoring reports and lists, it should be emphasized that there is no universally applicable definition of "armed conflict" in general, and in particular that the mandate of my Special Representative does not contain a definition of the term. In the performance of his mandate, my Special Representative has adopted a pragmatic and cooperative approach to this issue, focusing on ensuring broad and effective protection for children exposed to situations of concern, rather than on the definition of the term "armed conflict". The mention or discussion of any particular State or situation should not be construed as a legal determination that there exists a situation of armed conflict within the meaning of the Geneva Conventions and their Additional Protocols.

97. Monitoring lists are not intended to name countries as such; the purpose is to identify particular parties to conflict that are responsible for specific grave violations against children. In this respect, the names of countries are cited only in order to indicate the locations or situations where the offending parties are committing the violations in question.

Actions to be undertaken by the Task Force on Children and Armed Conflict at the Headquarters level

98. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict, working with the Task Force on Children and Armed Conflict, will continue to prepare an annual monitoring and compliance report, which will be submitted to the following "destinations for action" for their review and action in the context of their respective mandates and competences: the Security Council, the General Assembly, regional organizations, national Governments, the International Criminal Court and the Commission on Human Rights.

99. The Office of the Special Representative and the Task Force will also compile ad hoc reports as necessary for transmission to other "destinations for action", in particular, the Committee on the Rights of the Child and the proposed working group of the Sub-Commission on the Promotion and Protection of Human Rights.

100. The Office of the Special Representative and the Task Force will monitor progress concerning the integration of children and armed conflict issues into key peace-and-security activities, particularly in relation to mandates of peace operations, planning of new peace missions, reports from peacekeeping missions and country-specific and relevant thematic Security Council resolutions.

101. The Office of the Special Representative and the Task Force will keep under regular review significant children and armed conflict developments in specific situations, in order to propose actions and raise timely alerts as necessary.

102. The Office of the Special Representative and UNICEF will establish and manage a central monitoring and reporting information database on behalf of the steering committee, drawing on the monitoring databases compiled at the country level.

103. Each United Nations entity that is a member of the Task Force will designate a senior-level or mid-level dedicated departmental focal point for children and armed conflict, and the focal points should become regular participants in the Task Force.

104. In order to provide common approaches and guidelines for the monitoring and reporting mechanism, the Office of the Special Representative and UNICEF will compile monitoring and reporting guidelines, drawing on experience to date and working with the Task Force, United Nations peacekeeping operations, United Nations country teams and NGOs.

105. Members of the Task Force, particularly the Office of the Special Representative, UNICEF, UNHCHR, UNHCR and the Office for the Coordination of Humanitarian Affairs, will continue to play their respective advocacy roles actively, drawing on the information provided through the mechanism.

106. After the launch of the mechanism, its smooth implementation and full operationalization will require intensive interaction, including regular field visits by the Office of the Special Representative and UNICEF, and regular guidance between the Task Force and United Nations field teams, to ensure ongoing review, feedback and a smooth two-way flow of information. A formal assessment of the implementation of the mechanism will be conducted one year after its launch.

H. Bodies that constitute "destinations for action", with responsibility for taking necessary action based on the monitoring reports

107. Reports compiled should serve as triggers for action on the part of the appropriate international, regional and national bodies, each employing the means and levers of influence at its disposal to ensure the protection, rights and well-being of war-affected children. Such actions may range from calls for compliance to condemnation of violations to the application of targeted measures. The key "destinations for action" are national Governments, the Security Council, the General Assembly, the International Criminal Court, the Commission on Human Rights and regional organizations.

1. National Governments

108. Governments have the most direct formal, legal and political responsibility to ensure the protection of all children exposed to armed conflict within their countries. It is important to stress both the centrality and the immediacy of the role of national authorities to provide effective protection and relief to all children in danger. In this regard, national Governments constitute the first "destination for action", the first line of response. Any actions by United Nations entities and international NGOs at the country level should always be designed to support and complement the protection and rehabilitation roles of national authorities, never to supplant them. In situations where national protection institutions have been greatly weakened by the experience of protracted armed conflict, international partners should make it a priority to support the rebuilding of local institutions and capacities for protection and rehabilitation.

Actions to be undertaken by national Governments

109. National Governments should enact and apply relevant national legislation to ensure the protection, rights and well-being of children and should ensure the protection and rehabilitation of war-affected children within their jurisdiction. Whenever appropriate, relevant Parliamentary committees, such as committees covering human rights, development, humanitarian action and foreign affairs, should be encouraged to receive periodic national and international monitoring and compliance reports on children and armed conflict, for their own review and action. In the context of their international responsibility, Governments should promote the children and armed conflict agenda within multilateral organizations and in their bilateral cooperation.

2. Security Council

110. Because of its primary responsibility for peace and security, the Security Council has a special responsibility for ensuring the protection and well-being of children exposed to armed conflict. With respect to ensuring compliance with children and armed conflict protection norms, the Security Council is by far the most important international "destination for action".

Actions to be undertaken by the Security Council

111. The Secretary-General's annual report to the Security Council serves as the primary vehicle for transmitting monitoring and compliance information. The annual debate by the Security Council on children affected by armed conflict is intended to serve as a systematic review of the state of monitoring and compliance on the ground.

112. It is recommended that the Council review monitoring and compliance whenever a specific country situation is under consideration and ensure that children and armed conflict concerns are incorporated into ensuing resolutions.

113. Whenever the Council conducts fact-finding field missions, it may wish to include a checklist of specific children and armed conflict monitoring and compliance concerns in its briefs and discussions.

114. In order to promote children and armed conflict protection, mainstreaming and monitoring, the Council should consider the inclusion of child protection in the mandates of all peacekeeping missions.

115. Monitoring and compliance reports received by the Security Council serve as triggers for action. In order to end impunity, it is critical that grave and persistent violations lead to targeted and concrete measures of response by the Council. The Council may wish to consider targeted and concrete measures where insufficient or no progress has been made by parties listed in my reports, in accordance with its resolutions 1379 (2001), 1460 (2003) and 1539 (2004). Such measures could include the imposition of travel restrictions on leaders, their exclusion from any governance structures and amnesty provisions, a ban on the export or supply of small arms, a ban on military assistance, restrictions on the flow of financial resources to offending parties and a ban on illicit trade in natural resources.

3. General Assembly

116. The annual regular session of the General Assembly provides an important opportunity to review the monitoring and compliance reports and take appropriate action. The annual report of the Secretary-General to the Security Council on children and armed conflict, which records grave abuses and lists parties responsible for the violations, is being submitted simultaneously to the General Assembly to enable it to take appropriate action within the context of its own mandate.

Actions to be undertaken by the General Assembly

117. Under its agenda item "Promotion and protection of the rights of children", the General Assembly may wish to devote a dedicated resolution to children and armed conflict monitoring and compliance. Such a resolution might include calls for compliance, condemnation of grave violations and specific recommendations on corrective measures to be undertaken by offending parties.

118. When considering human rights in country-specific situations, relevant monitoring and compliance information on children and armed conflict issues could be incorporated into the discussion and ensuing resolutions.

4. Economic and Social Council

119. The annual consideration of the report and resolutions of the Commission on Human Rights provides the Economic and Social Council with the opportunity to review actions taken at the level of the Commission.

Action to be undertaken by the Economic and Social Council

120. The Economic and Social Council could periodically devote its high-level segment to a review of the subject of children and armed conflict, focusing particularly on the issue of monitoring and reporting.

5. International Criminal Court

121. The establishment of the International Criminal Court is important because of both its deterrence effect and the prospect of prosecution for war crimes against children.

Actions to be undertaken by the International Criminal Court

122. Concrete steps should be taken to ensure the earliest possible prosecution of persons responsible for war crimes against children. Some initiatives are already under way in this direction. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict, the Task Force on Children and Armed Conflict and the task forces on monitoring and reporting can contribute to this by providing the International Criminal Court Prosecutor with relevant information at their disposal.

123. The deterrence role of the International Criminal Court needs to be actively promoted through proactive advocacy and public information activities by United Nations and NGO actors at all levels.

6. United Nations human rights regime

124. The cluster of mechanisms that comprise the United Nations human rights regime could be more systematically channelled to promote effective children and armed conflict monitoring and compliance. Their roles are crucial in this context.

Actions to be undertaken by the Commission on Human Rights

125. The Commission on Human Rights receives the annual children and armed conflict monitoring and compliance report. This could constitute the basis for annual review and action through a resolution dedicated to this purpose, at the regular session of the Commission.

126. When considering country-specific human rights situations in countries affected by armed conflict, the Commission could incorporate specific children and armed conflict concerns into its discussion and resulting resolutions.

Actions to be undertaken by the Office of the United Nations High Commissioner for Human Rights

127. UNHCHR could undertake public advocacy, fact-finding and, where appropriate, independent investigation of specific episodes of atrocities and other grave violations against children. Children and armed conflict concerns could be systematically integrated into the tasks and capacities of human rights field officers.

Actions to be undertaken by the Committee on the Rights of the Child

128. The Committee on the Rights of the Child could incorporate monitoring and accountability on children and armed conflict issues in its scheduled reviews of country reports. The Office of the Special Representative of the Secretary-General for Children and Armed Conflict currently provides children and armed conflict-specific supplementary information ahead of country reviews; this practice could be expanded in collaboration with the Task Force on Children and Armed Conflict and task forces on monitoring and reporting.

Actions to be undertaken by Special Rapporteurs of the Commission on Human Rights

129. There are special rapporteurs and independent experts focusing on specific situations, including several conflict-affected countries. When the special rapporteurs prepare their reports, children and armed conflict-specific sections, focusing particularly on the six grave violations identified in section III.C above, could be incorporated.

130. It is also important that the special rapporteurs invoke the international instruments and norms listed in section III.D above as a basis for proactive advocacy for children and armed conflict concerns and draw on information in reports issued by treaty supervision bodies of the United Nations system.

131. There are special rapporteurs who cover thematic issues that are pertinent to children and armed conflict concerns, particularly the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on violence against women, its causes and consequences; the Special Rapporteur on trafficking

in persons, especially women and children; and the Representative of the Secretary-General on internally displaced persons.

Action to be undertaken by the Subcommission on the Promotion and Protection of Human Rights

132. A standing working group on children and armed conflict could be constituted under the Subcommission on the Promotion and Protection of Human Rights to undertake a regular review of children and armed conflict monitoring and compliance in specific situations, and to make recommendations for appropriate action by the Subcommission based on information provided by the Office of the Special Representative of the Secretary-General for Children and Armed Conflict and the Task Force on Children and Armed Conflict.

7. Regional and subregional organizations

133. In the course of the last several years, several regional organizations, working with Office of the Special Representative of the Secretary-General for Children and Armed Conflict, have incorporated the protection of war-affected children into their agendas and programmes. The Security Council has urged and encouraged this development. Regional organizations can make important contributions to a concerted monitoring and compliance regime on children and armed conflict. The Office of the Special Representative will continue to transmit the annual monitoring reports to regional organizations, for review and action within their mandates and jurisdictions.

Actions to be undertaken by regional organizations

134. Regional organizations should incorporate and mainstream the protection of children affected by armed conflict in their advocacy, policies and programmes. They should develop peer review and monitoring and reporting mechanisms, while also including monitoring activities, child protection staff and training in their peace operations and field presence. In addition, they should undertake subregional initiatives to end activities harmful to children in times of conflict, in particular cross-border recruitment and abduction of children, illicit movement of small arms and illicit trade in natural resources.

135. The European Union and ECOWAS, for example, have already taken important initiatives in some of these areas. Other regional organizations, such as the African Union, the Organization of American States, the League of Arab States, the Organization for Security and Cooperation in Europe and the Association of South-East Asian Nations, could develop similar initiatives, working in cooperation with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict.

8. Role of non-governmental and civil society organizations

136. NGOs and civil society organizations, both local and international, have crucial roles to play in developing and strengthening the children and armed conflict monitoring and reporting regime. A major movement has developed among them on the children and armed conflict agenda. For the specific purpose of promoting monitoring and reporting, three categories of actors are especially important: international advocacy networks, such as the Coalition to Stop the Use of Child

Soldiers; international NGOs devoted to conducting operational programmes on the ground, such as World Vision and Save the Children; and the growing movement of local NGOs and civil society groups devoted to advocacy, protection and rehabilitation at the front line. Specifically, the roles of NGOs and civil society organizations are important in the following areas:

(a) International NGO networks, such as the Coalition to Stop the Use of Child Soldiers, can contribute by continuing to develop and deepen monitoring projects in their areas of specialization. The Watchlist on Children and Armed Conflict, on the other hand, covers monitoring and reporting on all aspects of children and armed conflict; its activities could also be developed and strengthened;

(b) As well as issuing their own independent monitoring reports, these NGOs can provide important inputs into the United Nations monitoring and compliance reports;

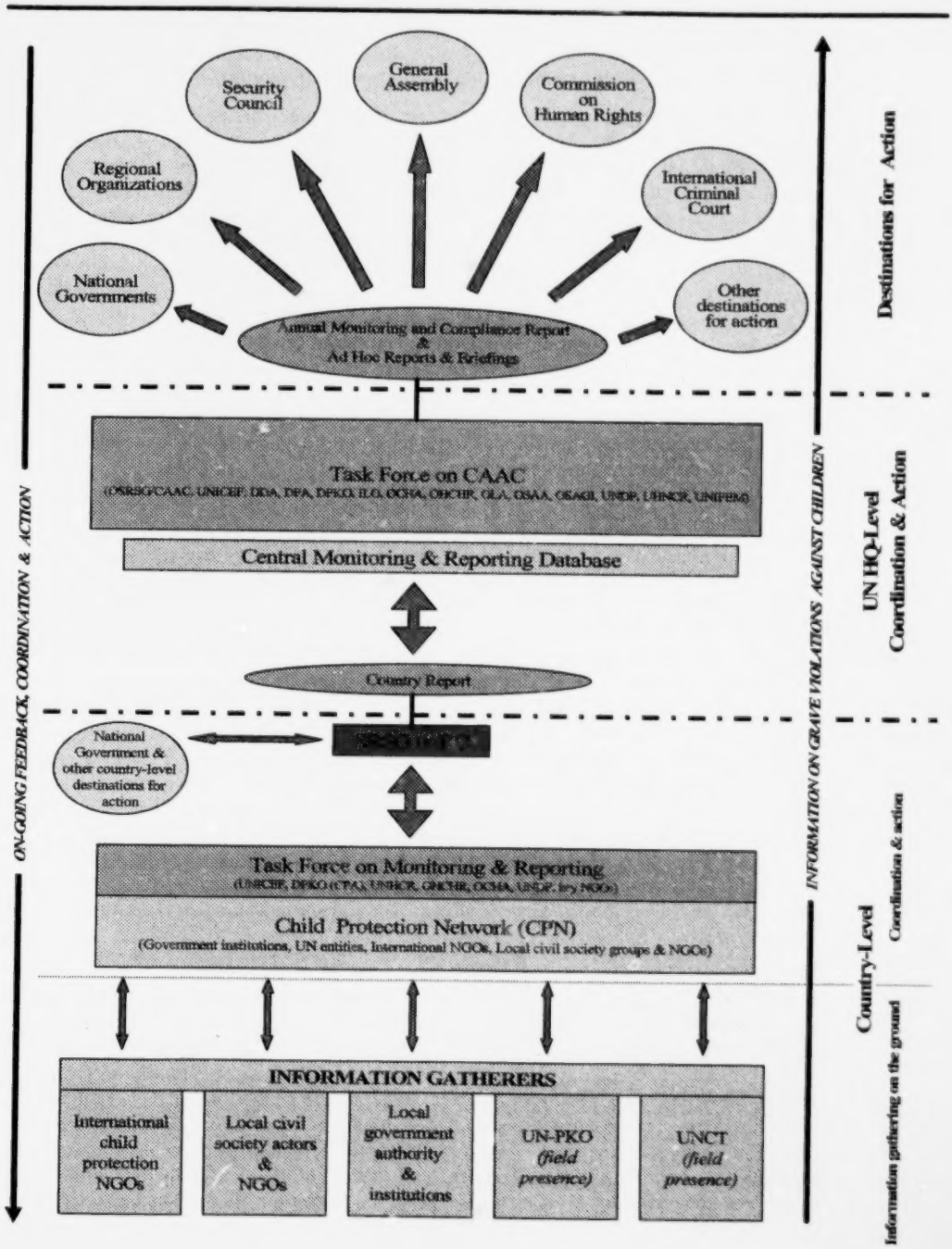
(c) NGOs should continue to provide briefings to the Security Council under the Arria formula;

(d) International NGOs which focus mainly on protection and rehabilitation activities on the ground are well placed to make important contributions through their active participation in child protection networks and task forces on monitoring and reporting;

(e) Local NGOs and civil society organizations, such as women's associations, teachers' and parents' associations, chiefs and elders, communities of faith, and youth groups, play an indispensable role in the gathering and confirmation of information. Equally important is their active participation in child protection networks and task forces on monitoring and reporting, as part of their activities for advocacy, protection and rehabilitation at the front line.

137. Along with their contribution to monitoring and reporting activities as outlined above, all categories of NGOs and civil society organizations should continue to play their critical advocacy roles, drawing on information provided through the monitoring and reporting mechanism.

Flow chart for monitoring and reporting on children and armed conflict


Security Council
General Assembly
Commission on Human Rights
Regional Organizations
International Criminal Court
National Governments
Other destinations for action
Annual Monitoring and Compliance Report & Ad Hoc Reports & Briefings
Task Force on CAAC
Central Monitoring & Reporting Database
Country Report
National Government & other country-level destinations for action
Task Force on Monitoring & Reporting
Child Protection Network (CPN)
(Government institutions, UN entities, International NGOs, Local civil society groups & NGOs)
INFORMATION GATHERERS
International child protection NGOs
Local civil society actors & NGOs
Local government authority & institutions
UN-PKO (field presence)
UNCT (field presence)
ON-GOING FEEDBACK, COORDINATION & ACTION
INFORMATION ON GRAVE VIOLATIONS AGAINST CHILDREN
Destinations for Action
UN HQ-Level Coordination & Action
Country-Level
Coordination & action
Information gathering on the ground

IV. Incorporation of best practices in disarmament, demobilization and reintegration programmes for children

138. The present section of the report is in response to Security Council resolution 1539 (2004), paragraph 15 (c), requesting an update on the incorporation of best practices for disarmament, demobilization and reintegration programmes.

139. During the reporting period, a number of disarmament, demobilization and reintegration programmes for children were initiated or continued in both conflict and post-conflict situations. While there is no single effective model for such programmes, important lessons have emerged, as reflected in my 2003 report. Since then, these lessons were applied to disarmament, demobilization and reintegration exercises in Afghanistan, Burundi, Colombia, the Democratic Republic of the Congo, Liberia and Sierra Leone to varying degrees. A United Nations inter-agency Working Group on Disarmament, Demobilization and Reintegration, which is currently developing policies, guidelines and procedures for the planning, implementation and monitoring of disarmament, demobilization and reintegration programmes, is incorporating into its initiatives best practices and lessons learned relating to disarmament, demobilization and reintegration programmes for children. As part of the initiative "Towards a United Nations approach to disarmament, demobilization and reintegration in a peacekeeping environment", a module on children and disarmament, demobilization and reintegration is being finalized.

140. *The demobilization of children should be sought at all times, and separate and child-specific programmes should be organized for demobilized children.* In Burundi, approximately 2,260 children were demobilized from armed forces and groups ahead of adult combatants, through the Child Soldiers National Structure. However, many children formerly associated with armed groups were cantoned in assembly areas where they waited for over eight months to return to their families; this delay was due to the lack of commitment of some leaders, lengthy negotiations over global demobilization and inadequate disarmament, demobilization and reintegration resources. In Liberia, child-specific programmes, including literacy classes, psychosocial care and recreational activities, were organized by NGOs through interim care centres, where demobilized child soldiers could stay for up to three months. Peacekeeping missions and United Nations agencies should seek to benefit from local expertise and NGO child protection capacity in developing and implementing such comprehensive child-specific disarmament, demobilization and reintegration programmes. Issues that require further attention and consideration include the duration of hosting and types of activities undertaken in care centres, appropriate ways to approach child drug abuse and options for assisting children without families.

141. *Children associated with fighting forces who have crossed into a country of asylum should be accorded a legal status, protection and assistance that promotes their rehabilitation and reintegration.* Refugee status should be accorded to children who flee armed conflict due to their well-founded fear of being subjected to forced military recruitment, sexual slavery or other serious child rights violations. From 2002 to 2004, 168 disarmed Liberian child soldiers were granted prima facie refugee status in Sierra Leone and were placed in camps for Liberian refugees; children whose families were traced were voluntarily repatriated. This process incorporated child protection elements such as proper identification of children immediately upon entry to the country of asylum; prompt separation from commanders;

accommodation in a civilian environment conducive to rehabilitation (instead of together with adult foreign combatants in internment camps); sensitization of refugee communities to facilitate community-based integration; access to education, counselling and other psychosocial programmes; and community-based interim care, tracing, family reunification and voluntary repatriation in safety and dignity.

142. *The eligibility criteria should be sufficiently broad and based upon the Cape Town Principles for children associated with armed forces or groups*. Children should not be required to hand in weapons in order to participate in disarmament, demobilization and reintegration programmes, and there should be no cash remuneration for weapons relinquished. Unfortunately, even where disarmament, demobilization and reintegration planning has incorporated these widely accepted principles, as in the case of Liberia, their application has been uneven. Some children associated with armed forces or groups in Liberia were actually prevented from entering demobilization sites because they were not armed. The promise of a cash allowance upon presentation of a weapon has also proved problematic in Liberia; reports indicate that commanders have posed as guardians to former child soldiers, or have taken arms away from them and given the weapons to their own children, in order to obtain the cash payments. Commanders have even sold weapons to children so they could enter the disarmament, demobilization and reintegration programme. Alternatives to cash allowances should be employed in order to prevent these practices and should contribute directly to the education and sustainable livelihood of former child soldiers.

143. *Children who escape, are released or are captured from any armed force or group should not be considered or treated as enemy combatants*. In accord with this principle, and in implementation of article 6 of the Optional Protocol on the Involvement of Children in Armed Conflict, a group of children associated with a Colombian armed group and arrested by the Venezuelan authorities were immediately offered protection and reintegration assistance. The Government of Colombia established legal and administrative procedures ensuring that children who leave armed groups are handed over to the Colombian Institute for Family Welfare national disarmament, demobilization and reintegration programme. Unfortunately, this principle has not been observed in a number of conflict situations where children were detained for their participation in armed groups and, subsequently, sometimes used for intelligence-gathering purposes.

144. *Reintegration activities should adopt an integrated community approach, and interventions should avoid singling out former child soldiers*. Both of these practices were employed in Afghanistan: demobilized child soldiers were provided the same services as other war-affected children through the Afghanistan New Beginnings Programme, and communities played a central role in demobilization efforts by participating in the screening of eligible child participants. In Liberia, however, there was increased evidence that the payment of cash allowances to demobilized children adversely affected their acceptance and reintegration into the community.

145. *Special attention must be given to the specific needs of girls*. Despite the establishment of separate facilities for boys and girls and gender-specific programmes in certain countries, such as the Democratic Republic of the Congo, girls in the majority of disarmament, demobilization and reintegration situations remain at a disadvantage in access to demobilization and in reintegration into their

communities. In many conflict situations — such as in Liberia, Sierra Leone and the Democratic Republic of the Congo — combatants have been reluctant to release girls to transit care facilities, holding them captive as "wives". Girls who have become pregnant in these circumstances have encountered stigmatization upon returning to their communities. As has been implemented in the Democratic Republic of the Congo, disarmament, demobilization and reintegration programmes should include special attention to girl victims of sexual exploitation and girl heads of households.

146. *In order to support community reintegration activities for children formerly associated with armed forces or groups, long-term donor support is required.* The Government of Sierra Leone requested continuing assistance for the reintegration of demobilized children through the Community Education Investment Programme, which provided educational materials to schools whose enrolment included demobilized children and children returning from neighbouring countries. This support facilitated the reintegration of over 3,000 former child combatants and returnee children.

V. Measures to control illicit subregional and cross-border activities harmful to children

147. The present section of the report is in response to Security Council resolution 1539 (2004), paragraph 3, requesting information on measures to control illicit subregional and cross-border activities that are harmful to children.

148. Illicit cross-border activities, intrinsically related in terms of their root causes and dynamics, have deleterious consequences for children and peace and security. The cross-border abduction and recruitment of children, the trafficking of small arms and light weapons and the illicit exploitation of natural resources all serve to intensify the vulnerability of children in conflict situations, as well as in transitional and post-conflict situations. Such activities expose children to further atrocities and abuse and undermine efforts at establishing peace, security, legitimate economic activities and the rule of law. The cross-border abduction of children for forced recruitment and training by armed forces and groups, and other forms of exploitation, such as domestic, manual and sexual labour, and the trafficking of small arms and light weapons strongly correlate with the use of child soldiers. The documented link between illegal resource exploitation by armed groups and the procurement of small arms and light weapons with the proceeds is of special concern, as this is a form of double jeopardy for children. The illicit exploitation of natural resources is often accompanied by forced labour and displacement of children and, at the same time, diverts resources from services and programmes for children.

149. The following proposed measures are intended to promote international and regional cooperation in efforts to prevent and control illicit cross-border activities harmful to children. In particular, measures to enforce international standards and plans of action are required to ensure the rights, protection and well-being of war-affected children in conflict, transitional and post-conflict situations.

General recommendations

150. Member States and regional organizations should make a commitment to combat illicit cross-border activities harmful to children through the development of bilateral, multilateral and regional arrangements, including initiatives for the development of preventive and early warning systems, and establish coordination and monitoring mechanisms for strengthening the gathering, analysis and dissemination of information among law enforcement, border and customs control agencies and other relevant actors.

151. Member States should ratify and implement the provisions of existing international conventions relevant to the aforementioned cross-border activities, such as the United Nations Convention against Transnational Organized Crime (2003) and its supplementary Protocols, as well as ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999) and ILO Convention 29 concerning Forced or Compulsory Labour (1930).

152. Member States should criminalize activities associated with the aforementioned illicit cross-border activities and cooperate in the investigation and prosecution of those responsible for wrongful behaviour.

153. Mechanisms for cross-border cooperation among peacekeeping missions — such as those developed by the United Nations Mission in Sierra Leone, UNMIL and the United Nations Operation in Côte d'Ivoire in West Africa and MONUC and ONUB in the Great Lakes region of Africa — should be implemented in order to enhance a subregional approach in carrying out the respective mandates of these missions in the area of child protection. Coordination between child protection agencies and peacekeeping missions should also be ensured.

154. The Security Council should consider targeted measures against parties to armed conflict and complicit actors in neighbouring countries whose actions contribute to illicit cross-border activities harmful to children and to the consequent fuelling of conflict.

Recommendations relating to cross-border abduction and recruitment

155. Child protection units within regional organizations, such as the one in ECOWAS, should develop and implement comprehensive strategies that address the particular cross-border dynamics of the abduction and recruitment of children. These units should facilitate exchange of information, joint training and projects among national child protection agencies and those working on gender equality. Regional organizations should establish a database of individuals and groups suspected of engaging in the trafficking of child soldiers, to be shared with the relevant national and international judicial authorities.

156. Child victims of cross-border abduction, recruitment and trafficking should be accorded appropriate protection and assistance in the host country, including identification, safe release, legal status (which may include refugee status), interim community-based care, access to education, counselling, family tracing, medical and legal assistance and facilitation of voluntary repatriation or other appropriate

durable solutions. Subregional inter-agency cooperation should be enhanced, particularly on cross-border tracing, reunification and repatriation.

157. Governments, NGOs and United Nations agencies should provide adequate protection, support and services to children who have been victims of abduction, recruitment, trafficking or sexual exploitation. Local, national and international civil society organizations, including the private sector, religious leaders and women's groups, should be engaged throughout this process. Support should be provided for local grass-roots participation and media efforts in raising public awareness about the protection of affected children.

158. Regional plans of action to combat the cross-border abduction and recruitment of children should include comprehensive, criminal justice-related responses, such as awareness-raising and training for law enforcement, guidelines on the investigation and prosecution of cases and protection and support for victims and witnesses.

Recommendations relating to the trafficking of small arms and light weapons

159. Member States should fully implement the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects.

160. National commissions on small arms and light weapons should incorporate in their national plans of action public-awareness campaigns on the protection of children in armed conflict.

161. Member States should more vigorously enforce arms embargoes and consider coercive measures against those who deliberately violate them.

162. Member States should establish necessary legislative or other measures to ensure effective control over the export, import, transit and retransfer of small arms and light weapons, including the use of authenticated end-user certificates.

163. The work of United Nations agencies that undertake data collection on the impact of small arms and light weapons on children in armed conflict, transitional and post-conflict situations should be supported.

Recommendations relating to the illicit exploitation of natural resources

164. Multinational enterprises and international investors should take into account the impact on child rights in their operations in zones of conflict where illicit exploitation of natural resources takes place, with a view to preventing and mitigating violations, and abide by appropriate and uniform ethical guidelines.

165. Appropriate verification and certification schemes for natural resources — such as the Kimberley Process Certification Scheme — should be monitored by impartial external observers and strengthened in order to foster transparency and accountability in the natural resource sectors. Coercive measures should be directed

at companies and individuals involved in these activities, such as the imposition of travel bans and freezing of personal assets.

VI. Annexed lists

166. The present report contains two annexes. Annex I lists parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children. Annex II lists parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, also bearing in mind other violations and abuses committed against children.

167. The other grave violations and abuses taken into account are the killing or maiming of children; rape and other grave sexual violence against children; attacks on schools and hospitals; and abduction.

168. It should be noted that the annexes do not list countries as such. The purpose of the annexed lists is to identify particular parties to conflict which are responsible for specific grave violations against children. In this respect, the names of countries are referred to only in order to indicate the locations or situations where offending parties are committing the violations in question.

Annex I

List of parties that recruit or use children in situations of armed conflict on the agenda of the Security Council, bearing in mind other violations and abuses committed against children

Parties in Burundi

1. Conseil national pour la défense de la démocratie (CNDD) of Leonard Nyangoma
2. Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie (CNDD-FDD) of Pierre Nkurunziza
3. Parti de libération du peuple hutu-Forces nationales de libération (PALIPEHUTU-FNL)-Agathon Rwasa

   This party has also been responsible for the killing and maiming of children and attacks on schools and hospitals in the reporting period.

Parties in Côte d'Ivoire

1. Forces armées des forces nouvelles (FAFN)
   (a) Mouvement pour la paix et la justice (MPJ)
   (b) Mouvement populaire ivoirien pour le Grand Ouest (MPIGO)
   (c) Mouvement patriotique de Côte d'Ivoire (MPCI)
2. LIMA *force supplétive*

Parties in the Democratic Republic of the Congo

1. Forces armées de la République démocratique du Congo (FARDC)
2. Laurent Nkunda and Jules Mutebutsi, dissident elements of FARDC

   This party has also been responsible for rape and other grave sexual violence against children and attacks on schools and hospitals in the reporting period.

3. Force démocratique de libération du Rwanda (FDLR)

   This party has also been responsible for killing, maiming and committing rape and other grave sexual violence against children in the reporting period.

4. Forces armées populaires congolaises (FAPC)

   This party has also been responsible for the killing and maiming of children in the reporting period.

5. Front nationaliste et integrationaliste (FNI)

   This party has also been responsible for the killing and maiming of children in the reporting period.

6. Mai-Mai in the Kivus, Maniema and Katanga

   This party has also been responsible for the killing and maiming of children in the reporting period.

7. Mudundu-40

8. Parti pour l'unité et la sauvegarde du Congo (PUSIC)

9. Union des patriotes congolais (UPC)-Thomas Lubanga and Floribert Kisembo factions

Parties in Somalia

1. Lower Shabelle Administration[a]

2. Juba Valley Alliance[a]

3. Rahanwein Resistance Army (RRA/SNSC) of Mohamed Ibrahim Habsade[a]

4. United Somali Congress/Somali Salvation Alliance (USC/SSA)-faction of Muse Sudi Yalahow)[a]

5. Middle Shabelle Administration[b]

6. Puntland Administration[b]

7. Rahanwein Resistance Army (RRA/SRRC) of Mohamed Nir "Sharti gadud"[b]

8. Somali Patriotic Movement/Somali Reconciliation and Restoration Council (SPM/SRRC)[b]

9. United Somali Congress (USC) of Mohamed Kanyare Afrah[c]

10. United Somali Congress/Somali Salvation Alliance (USC/SSA) of Omar Mohamed[c]

Parties in the Sudan

1. Janjaweed

   This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period.

2. Justice and Equality Movement (JEM)

3. South Sudan Unity Movement (SSUM)

4. Sudan Liberation Movement/Army (SLM/A)

5. Sudan People's Liberation Movement/Army (SPLM/A)

[a] Alliance member factions of the Somali National Salvation Council (SNSC).
[b] Alliance member factions of the Somali Reconciliation and Restoration Council (SRRC).
[c] Alliance member factions of the Group 8.

Annex II

List of parties that recruit or use children either in situations of armed conflict not on the agenda of the Security Council or in other situations of concern, bearing in mind other violations and abuses committed against children

Parties in Colombia

1. Autodefensas Unidas de Colombia (AUC)
   - (a) Autodefensas Unidas del Sur del Casanare (AUSC)
   - (b) Autodefensas Campesinas de Córdoba y Urabá (ACCU)
   - (c) Autodefensas de Magdalena Medio (ACMM)
   - (d) Autodefensas del Meta (AM)
   - (e) Autodefensas Campesinas del Sur del Cesar (ACSC)
   - (f) Autodefensas del Puerto Boyaca (APB)
   - (g) Autodefensas de Cundinamarca (AC)
   - (h) Autodefensas Unidas de Colombia — Bloque Centauros
   - (i) Autodefensas Unidas de Colombia — Bloque Norte
   - (j) Autodefensas Unidas de Colombia — Bloque Mineros
   - (k) Autodefensas Unidas de Colombia — Bloque Pacífico
2. Ejército de Liberación Nacional (ELN)
3. Fuerzas Armadas Revolucionarias de Colombia (FARC)

Parties in Myanmar

1. Karen National Liberation Army (KNLA)[a]
2. Karenni Army (KA)[b]
3. Tatmadaw Kyi (Government army)

Parties in Nepal

Communist Party of Nepal-Maoist (CPN-Maoist)

This party has also been responsible for killing, maiming and abducting children in the reporting period.

Parties in the Philippines

1. Moro Islamic Liberation Front (MILF)
2. New People's Army (NPA)

[a] KNLA is the military wing of the Karen National Union (KNU), named in the 2003 report.
[b] KA is the correct name for the "Karenni National Liberation Army (KNLA)", named in the 2003 report.

Parties in Sri Lanka

1. Liberation Tigers of Tamil Eelam (LTTE)

   This party has also been responsible for the abduction of children in the reporting period.

Parties in Uganda

1. Local Defence Units (LDUs)
2. Lord's Resistance Army (LRA)

   This party has also been responsible for killing, maiming, abducting and committing rape and other grave sexual violence against children in the reporting period.

3. Uganda People's Defence Force (UPDF)

United Nations S/2005/73

Security Council

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Letter dated 3 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to transmit herewith a copy of a letter dated 31 January 2005 from the Permanent Representative of Rwanda to the United Nations (see annex).

I would appreciate it if the present letter could be issued as a document of the Security Council.

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant to resolution 1533 (2004)
concerning the Democratic Republic of the Congo

05-23235 (E) 160205

Annex

Letter dated 31 January 2005 from the Permanent Representative of Rwanda to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo

On instructions from my Government, I have the honour to transmit herewith the reaction of the Government of the Republic of Rwanda to the report submitted on 4 January 2005 by the Group of Experts on the Democratic Republic of the Congo (see enclosure and appendices).

I should be grateful if you could have the present report, with its enclosure and appendices, circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

Enclosure

Reply of the Government of the Republic of Rwanda to the report of the Group of Experts initially established pursuant to United Nations Security Council resolution 1533 (2004)

I. Introduction

1. The Government of the Republic of Rwanda is surprised to learn that on 4 January 2005, the Group of Experts on the Democratic Republic of the Congo established pursuant to resolution 1533 (2004) transmitted its report (S/2005/30) to the Chairperson of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, ostensibly in accordance with paragraph 6 of Security Council resolution 1552 (2004).

On 23 November 2004, the Government held its one and only working session with the Group of Experts. At that meeting it was decided that in order to have meaningful discussions, the experts would expeditiously provide a detailed list of concerns/needs for information, as well as any other issues on which the group required Rwanda's assistance in writing. Rwanda would then gather and provide the information required. Subsequent session(s) would be held to continue the dialogue and address further questions, if any, arising from the information submitted. The Group of Experts transmitted the list requested in its letter (S/AC.43/2004/GE/OC.18) addressed to the Permanent Representative of Rwanda to the United Nations, only on 10 January 2005, several days after it had submitted its final report. Prior to that, the Group had requested a meeting with the Government on 6 January 2005.

The Government granted the request and reminded the Group that the questionnaire was still outstanding. The Group did not turn up for the meeting. It now appears to us to be clear why. The Group had already completed its report and was not desirous of Rwanda's input. Rwanda therefore strongly protests the lack of transparency in the methods of work of this Group commissioned by the Security Council. Rwanda wishes to remind the Council that a previous report by the Group was leaked to the media and others, without Rwanda being accorded the courtesy of viewing it beforehand. Rwanda believes that it is unacceptable for such groups, or groups commissioned by any organ of the United Nations, to serve as originators of, and conduits for, hostile propaganda targeted at Member States.

2. The Group met formally with representatives of the Rwandan Government on 23 November 2004. It submitted its draft report in December, and claims to have used the intervening period between the submission of the draft report and the expiration of its mandate in January to, inter alia, afford due and right of reply to Governments. This claim is false. The one meeting held on 23 November with the Government of Rwanda was less than two hours long, dealing mainly with procedural issues. Substantive discussions were deferred, by mutual agreement, to whenever the questionnaire became available. No further meetings were held, although the Group spent some time in Rwanda. The questionnaire was submitted on 10 January 2005, by which time both the draft report and the final report had been submitted.

We should mention that, by its own admission, the Group sent the Republic of Uganda the questionnaire requested by that Government before 23 October 2004. The Republic of South Africa, going by the Group's report, also seems to have received its questionnaire in good time. Rwanda further wishes to remind the Council that the request for a list of concerns was not a new phenomenon but had been a modus operandi decided on during the meeting held with the Group on 18 June 2004 during the course of the production of the Group's first report. Rwanda therefore considers that, contrary to the provisions of Security Council resolution 1533 (2004), the Group did not cooperate with the Government of the Republic of Rwanda.

3. The Rwanda section of the report is riddled with inconsistencies, ambiguity and innuendo. To some degree this is inevitable given the fact the Group has never considered clarification of key terms and concepts a priority as requested by many, including the Government of the Republic of Rwanda. Instead, requests for clarification have been construed as attempts at obstruction. Rwanda welcomes the fact that the Group now considers it important that, inter alia, the target of the embargo as defined in Security Council resolution 1493 (2003) be revisited with a view to clarifying the terms and exemption of the embargo. The Group has finally realized that the terms of resolution 1493 (2003) are subject to a variety of interpretations. This is the point that the Government of Rwanda made to the Group on 18 July 2004, before production of its first report. Unless terms, concepts and methods of work are clarified in a transparent manner, the reports of the Group are likely to continue to be fundamentally flawed.

The Government of Rwanda believes that the Group itself needs to refrain from inventing terms and concepts such as "political and military alliances of convenience", "uncontrolled armed groups", "security arrangements" and so forth, which while they may serve as convenient propaganda tools against individuals, Governments and organizations, are counterproductive to the fulfilment of its mandate under resolution 1493 (2003).

4. The Group makes the claim that information requested of the Government of Rwanda, including civil aviation records and customs documentation, has not been provided. The Government wishes to record that the Group's request for such information was made only on 10 January 2005. By then, the Group's final report had been submitted. The Government is willing to provide the information, but is at a loss as to what purposes it will be put to, given the fact that the Group has already drawn its conclusions and published its report without attempting to gather complete information.

As for the request for military budgets, the Government wishes to inform that Rwanda's military budget is a public document. The 2005 military budget is found in the official journal, special edition of 31 December 2004, as law No. 41/2004 of 30 December 2004, and is available to the public. Rwanda is unaware of "repeated requests" for this information by the Group.

II. Civil aviation

5. Rwanda has put in place a Certification Committee, which facilitates the issuance of documents to all air carriers, aircraft and personnel. Aircraft registration and the issuance of airworthiness certificates, personnel licences and other documents is done pursuant to the relevant provisions of the Chicago Convention on

International Civil Aviation and its relevant annexes, which have been ratified by Rwanda. The Rwanda Civil Aviation Authority is in possession of the relevant documentation including registration and airworthiness certificates. A list of aircraft registered in Rwanda as at 20 January 2005 is annexed to this reply. None of the aircraft mentioned in the Group's report ostensibly involved in activities that contravene resolution 1493 (2003) carry Rwandan registration. Aircraft 9XR-KI and 9XR-KV are properly registered to African Air Services, a Rwandan company, not to Aigle Aviation, as the Group seems to imply. Aigle Aviation is not registered in Rwanda. As a matter of fact, none of the companies mentioned, including Peace Air Company (PAC), Compagnie Aérienne des Grands Lacs (CAGL) and Great Lakes Business Company (GLBC), are Rwandan registered (a list of Rwandan registered companies currently operating in the aviation sector is annexed to the present report).

Rwanda requests clarification on the three aircraft that had "Rwandan registration documents that were no longer valid". It is unclear whether these were aircraft that had once been under Rwandan registration and had subsequently switched registration to another country, or if this simply means these were aircraft operating with false, expired or cancelled registration documents. Requirements for the issuance of air operator certificates, aircraft certificate of registration, aircraft certificate of air worthiness and personnel licences are annexed to this reply. This information is in the public domain and it is surprising that experts in this field should be ignorant of the process of registration of aircraft based in or operating out of Rwanda more than seven months into their mandate.

The Group's tangential and tenuous relationship with facts and the truth is evident throughout their latest report. Rwanda believes that this state of affairs seriously undermines the United Nations and the Security Council. This belief is shared by many, including a number of those who have had occasion to interact with or work for the Group.

III. Allegations of Rwandan support for dissident forces

6. The Group continues to make false allegations that Rwandan territory is used for "recruitment, infiltration and destabilizing purposes". This allegation is not backed by evidence. Rwanda once again challenges the Group to name the location of the alleged training camps inside Rwanda, and who the instructors are. Rwanda explained the basis for her dismissal of this allegation in her reply to the first report of the Group. Unless the stated concerns of the Group are immutable articles of faith, immune to basic rules of evidence and the scientific method of enquiry, Rwanda expects the Group to address the serious objections raised to that report instead of compounding it with more of the same.

7. The claims of Rwandan organized recruitment in the camps of Kiziba and Gihembe are false. They are based partly on reports of a single missed registration exercise by the Ministry of Local Government, Community Development and Social Affairs and the Office of the United Nations High Commissioner for Refugees (UNHCR). Yet, detailed registration of refugees in the refugee camps in Rwanda is an ongoing activity, with regular updates carried out. The figures for the population of the camps, dated as they are, that the Group quotes in their report are not a result of the Group's own registration exercise. They are the result of registration exercises carried out by Rwanda and her partners, sometimes on schedule,

sometimes not. To construe a single missed registration exercise as an attempt at clandestine recruitment is nothing short of paranoia, not expected of a Group of Experts. To attempt to link it with rumours of visits by individuals is disingenuous. Refugee camps are not fortresses, nor are they prisons. For demographic reasons, which anyone who has been to Rwanda knows, the camps in Rwanda are found juxtaposed to and sometimes surrounded by Rwandan homesteads. For the same reason, the Gihembe camp in Byumba is located right in the middle of a major Rwandan metropolitan area. Movement by refugees in or out of camps is common.

There are no military training camps adjacent to the camps at Kiziba or Gihembe as the Group insinuates. The population of Kiziba camp, as at 26 January 2005, is 17,681. No significant departures from the camp have been registered.

8. The allegation that Rwanda is involved in the recruitment of children into its own military or into other militaries is false, and unfortunate. While it is true that a number of refugee children of school-going age drop out of school for different reasons, this is not due to any ongoing recruitment exercise. The group of 129 names the Group of Experts claims to have in its possession is probably outdated by now. For example, while the Group gives the figure of 16,000 for the population of Kiziba refugee camp, that figure actually stood at 17,681 in January 2005. Were the Group to return to Rwanda today, they would find different numbers and different sets of issues for refugee children. These children drop out of school for different reasons. These may include movement to other schools, the search for employment in order to boost their chances of survival for themselves and their families, movement to better off relatives' homes, early voluntary return to their countries of origin in the expectation that children are less at risk from whatever it is the family was in fear of, lack of adequate space in the classrooms or lack of trust in the education system available in the camps.

The problems of education faced by refugee children are most acute in the transit camps at Nyagatare in Cyangugu, and Nkamira in Gisenyi. Dropout rates in refugee camps are a serious issue which is under constant review and discussion with UNHCR and others concerned. The issue is not unique to camps in Rwanda. The affirmations by the Group are simply not based on any credible research.

9. The Group is obsessed with Jules Mutebutsi and his men. The mindset that considers Mutebutsi and the 315 men formerly under him, disarmed, cantoned and in renunciation of their military status as they are, a threat to peace in the region, while considering that the Forces démocratiques de libération du Rwanda (FDLR) genocidal force, tens of thousands strong, armed, organized and militarily active, is not an imminent security threat, is deeply disturbing to Rwanda.

Mutebutsi is at Coko camp, 50 kilometres from the Democratic Republic of the Congo border and 20 kilometres from the Burundi border. These are considerable distances for a small, highly populated country like Rwanda. For the same reasons, some Burundi refugee camps are even closer to the Burundi border. As Rwanda has already pointed out, Mutebutsi and his men are not prisoners in Rwanda. They move freely within their camp, and they also move out of the camp after fulfilling clear administrative formalities. A copy of the administrative forms is annexed (see appendix II). The group is also visited by different people, including members of the international community. In turn, they also may visit others, including their families, many of whom are found in the Nyagatare transit centre in Cyangugu. Rwanda finds it instructive that the Group confesses it could not visit the Nyagatare centre

because of "logistical constraints" and yet claims that Mutebutsi and his men have the means and abiiity to do so on a regular basis. It stretches credibility to imagine that Mutebutsi and others in the group, whose own families are in a refugee camp for lack of resources to find a better alternative, have more means than members of a United Nations Group.

10. Jules Mutebutsi and the others in the camp renounced their military status in a letter to the Ministry concerned, dated 10 December 2004. The Government communicated this information to the United Nations system in Kigali. While the Group is entitled to its opinion that the Mutebutsi group should not receive humanitarian assistance from United Nations agencies, a position the Government finds strange, the attempt to twist the facts to fit the opinion is unacceptable. Rwanda wishes to remind the Council that during the fifty-fifth session of the Executive Committee of UNHCR, held in Geneva from 4 to 8 October 2004, it was decided that the group should receive humanitarian assistance pending final determination of their status. The Mutebutsi group is a part of the 54,608 asylum-seekers whose cases are being processed for refugee status by the Rwandan National Refugee Commission. Some of the asylum-seekers already have prima facie refugee status, while others do not, but Rwanda avails humanitarian assistance to all.

The weapons retrieved from Mutebutsi are safely in storage and are not being used to destabilize anyone. They have also been inventoried and the inventory exists. Rwanda is unaware of any request by the Government of the Democratic Republic of the Congo for such an inventory. The Government remains ready for discussions on the issue of guns and other military hardware that have crossed the border between Rwanda and the Democratic Republic of the Congo since 1994.

11. Rwanda recommends that issues relating to Laurent Nkunda be addressed to the Democratic Republic of the Congo. The individual is a Congolese, reportedly based in and operating from Congolese territory.

IV. Rwanda's alleged "residual" presence in the Democratic Republic of the Congo

12. The paucity of the evidence used by the Group to make the claim of a Rwandan presence in the Democratic Republic of the Congo is a scathing indictment of the Group's methods of work and its credibility. The allegations are not true, and indeed it would be illogical for Rwandan wounded to be treated in hospitals in Goma in the Democratic Republic of the Congo since Goma town is adjacent to the Rwandan town of Gisenyi, which has better facilities and security. Furthermore, Goma has a presence of United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and other troops. If the allegations were true, the wounded Rwandan soldiers would simply have been arrested and paraded as evidence of a Rwandan presence in the Democratic Republic of the Congo. The rumour that some Rwandan Defence Forces (RDF) officers own property in the Democratic Republic of the Congo cannot be used as proof of a Rwandan presence. Under bilateral and multilateral treaties, including the Economic Community of the Great Lakes Countries (CEPGL), citizens of Rwanda, the Democratic Republic of the Congo and Burundi own property and work in the three countries with ease. This is not a new phenomenon, and if true, would not be a new discovery by the Group. Citizens of the Democratic Republic of the Congo, including government officials, are free to own property in Rwanda, which they probably do. Rwandan officials, including former President Habyalimana, owned

and probably still own property in the Democratic Republic of the Congo since independence.

Rwanda has never requested permission from the Ugandan Government to cross Ugandan territory for entry into the Democratic Republic of the Congo. This is a figment of the imagination.

Finally, Rwanda is at a loss to understand the Group's conclusion that the sight of Rwandan ministers and other officials holding working meetings within Rwanda, and the deployment of Rwandan military units within its own borders, as well as their reported movements inside Rwanda, is proof of a residual presence in the Democratic Republic of the Congo. Rwanda challenges the Group to provide the evidence they have of the covert residual presence in the Democratic Republic of the Congo for review.

V. Negative forces of the Forces démocratiques de libération du Rwanda

13. The Group of Experts, even when faced with evidence it has documented itself, of the presence of the former Forces armées rwandaises (ex-FAR)/ Interahamwe/FDRL/Forces combattantes Abacunguzi (FOCA) and their activities in the Democratic Republic of the Congo, as well as their collaboration with, and supplies from units of the Congolese army and officials of the Democratic Republic of the Congo, still chooses to minimize the threat posed by these forces. Contrary to the expressed opinions of the Governments of Rwanda, the Democratic Republic of the Congo and Uganda, within the context of the Tripartite Security Mechanism, ignoring the opinions of all signatories to the Lusaka Ceasefire Agreement of 1999, and contrary to the opinion expressed at the meeting of the African Union's Peace and Security Council, held in Libreville, Gabon, on 10 January 2005, at the level of Heads of State and Government, the Group makes the claim that the genocidal forces do not pose an imminent threat to Rwanda.

14. Rwanda remains concerned that the permissive attitude to FDLR exhibited by the Group is not only inimical to the Group's mission, but also has the potential to jeopardize enforcement of the embargo decided on by the Security Council in its resolution 1493 (2003).

VI. Conclusion

15. Rwanda is concerned that the Rwanda section of the Group's report is poorly researched, and is based on rumours and innuendo. Rwanda has been deliberately denied the opportunity to share information with the Group in a meaningful manner, and yet Rwanda believes that, in the final analysis, States are key to the enforcement of the embargo under Security Council resolution 1493 (2003).

16. The FDRL/FOCA presents the greatest threat to regional peace and security. The bulk of their arms, supplies and materiel originate from, or transit through, the territory of the Democratic Republic of the Congo. While welcoming the recent efforts of the African Union Peace and Security Council to forcibly disarm these forces, Rwanda recommends that the embargo and its monitoring should be extended to the entire territory of the Democratic Republic of the Congo.

17. Rwanda recommends that, given its serious lacunae, the report of the Group of Experts, together with the evidence on which it is based, be subjected to critical review either by the Joint Verification Mechanism between Rwanda and the

Democratic Republic of the Congo, in which MONUC and the African Union participate, or the Tripartite Regional Security Mechanism between the Democratic Republic of the Congo, Uganda and Rwanda, in which the United Nations, the African Union and the European Union participate as observers.

Appendix I

LISTE DES AVIATIONS ENREGISTRÉ AU RWANDA / LIST OF CURRENT RWANDA REGISTERED AIR CRAFT (20/01/2005).

No	Compagnie/ Company	Immatriculation / Registration	Type	Serial No	Airworthiness Certificate	Former Country Registration
1	COMAIR LDT	9XR-CM	AN-28	IAJ 010-04.	02/05/03-01/05/04	-Kazakhstan; UN-28957
		9XR-KA	AN-62F-28	IAJ 009-18	07/05/04-06/11/04	-Kazakhstan; UN-28951
2	SILVERBACK CARGO FREIGHTERS	9XR-SC	DC8-62F	46068	19/10/04-18/04/05	-USA
		9XR-SD	DC8-62F	45956	02/02/04-01/02/05	-USA
		9XR-SE	Helicopter R4411	10323	20/07/04-19/07/05	-Robinson Helicopter co.
		9XR-SF	Helicopter R4411	10330	20/07/04-19/07/05	-Robinson Helicopter co.
		9XR-SG	Helicopter R4411	10331	20/07/04-19/07/05	-Robinson Helicopter co.
3	RWANDA AIRLINES	9XR-RA	BAC1-11	CN 011	17/01/00-16/07/00	-Afghanistan; YA-GAG
4	SUN AIR CHARTER	9XR-ST	AN-32	2410	30/0904-29/03/05	-Russia
		9XR-DS	AN-26	1302	15/01/04-14/06/04	-Russia; RA-21507
		9XR-SR	AN-28	IAN 007-006	30/09/04-29/03/05	-Ukraine
		9XR-MK	AN-12BP	3341108	24/08/04-23/02/05	-Moldova; ER-ACP
		9XR-SM	LET 410 UVP	831110	11/10/04-10/04/05	-Ukraine
		9XR-SB	AN-24		-	-Ukraine

		9XR-MJ	AN-32	2601	-	-Molodova; ER-AEW
		9XR-DB	AN-24	47309705	01/12/04-01/06/05	-Molodova; ER-AFZ
5	AFRICAN COMMUTER SVCS RWANDA LTD	9XR-EJ	LET 410 UVP	790216	24/11/04-24/04/05	-Sierra leone; 9L-LCP.
		9XR-AB	HB-748	1564	24/11/04-25/04/05	-Rwanda Airways.
		9XR-IM	AN-28	IAJ006-11	-	-Poland ; SP-PHR
6	MINADEF	9XR-KD	DH6-300	827	28/06/99-27/12/99	-Air Rwanda
7	AFRICAN AIR SERVICES	9XR-KI	AN-28	AI 006-03	17/01/04-03/11/04	-Equetorial Guinnea ; 3C-KKI.
		9XR-KV	AN-28	IAJ 008/05	18/05/04-17/05/05	-Equetorial Guinnea ; 3C-KKI.
		9XR-KG	AN 28	A100415	23/12/04-01/03/05	-Burundi ; 9U-BHR
8	CAPT. CHALLE SERGE	9XR-CS	CESSNA-182	51584	03/03/04-02/03/05	-Burundi ; 9U-BSA.
9	CAPT. STEPHEN John Barker.	9XR-ZZ	PA-28-410 CHEROKE	28-140-21675	05/03/93-04/09/93	-RDC ; 9Q CZZ
10	GAKUBA Alain	9XR-AG	AN-28	AI 00515	04/12/02-03/06/03	-Central African Republic; TL-ACE.
11	TELE-10	9XR-EN	PA AZTEC	27-7554042	02/11/03-20/05/04	-

Appendix II

REPUBLIQUE DU RWANDA

CONSEIL NATIONAL POUR LES REFUGIES
B.P. 3445 KIGALI
TEL : 517266
FAX : 82228

Autorisation de Sortie du camp de Coko
Uruhusa rwo Gusohoka mu nkambi ya Coko

Le (la) nommé(e).....
Uwitwa .....
Fils (fille) de ..... et de .....
Mwene ..... na .....
Date et lieu de naissance.....
Yavukiye, ku itariki ya.....
Demandeur d'asile/ réfugié Burundais(e) résidant au camp de Coko (Gikongoro)
Usaba ubuhunzi/Impunzi icumbitse mu nkambi ya Coko (Gikongoro)
Est autorisé(e) à se rendre à :.....
Ahawe uruhusa rwo kujya.....
Province/Ville :.....
Intara/Umujyi.....
District .....
Akarere :.....
Secteur :.....
Umurenge :.....
Cellule :.....
Akagari :.....
En date du ...../...../..... pour une durée de.....jours
Ku wa...../...../.....mu gihe cy'iminsi.....

Les raisons du voyage :
Impamvu z' urugendo
.....
.....
.....
Fait à ....., le.....
Bikorewe....., ku wa.....

Le Coordinateur du camp de Coko
Umuyobozi w'inkambi ya Coko

Préfet de la Province de Gikongoro
Umukuru w'Intara ya Gikongoro

REPUBLIQUE DU RWANDA

CONSEIL NATIONAL POUR LES REFUGIES
B.P. 3445 KIGALI
TEL : 517266
FAX : 82228

Autorisation de visite
Uruhusa rwo Gusura

Le (la) nommé(e)....
Uwitwa ....
Fils (fille) de ..... et de .....
Mwene.....na.....
Date et lieu de naissance.....
Yavukiye, ku itariki ya
Nationalité :.....
Ubwenegihugu.....

Lieu de résidence :..... Province.....District
Aturye.....Intara.....Akarere
Est autorisé(e) de rendre visite à .....
Yemerewe gusura.....
Demandeur d'asile/réfugié résidant au camp de Coko (Gikongoro)
Usaba ubuhungi/ Impunzi icumbitse mu nkambi ya Coko (Gikongoro)
En date du ...../...../..... pour une durée de.....jours
Ku wa...../...../.....mu gihe cy'iminsi.....

Les raisons de la visite :
Impamvu zo gusura .....
.....
.....
.....
Fait à....., le.....
Bikorewe....., ku wa.....

Le Coordinateur du camp de Coko
Umuyobozi w'inkambi ya Coko

Appendix III

THE MAIN REQUIREMENTS FOR THE ISSUANCE OF AN AIR OPERATOR CERTIFICATE TO A COMPANY:

-The application letter, accompanied by the following:

1. A notarized copy a Company's Statutes.
2. A Company's Certificate of Registration
3. The Company's Operational Business Plan
4. Payment for the Operator Certificate (a Rwandan), (30,000 Frw.)
5. Payment for the Operator Certificate (a Foreigner), (60,000 Frw.)
6. Physical address (Street, Box number & Fax, Office Tel & Mobile, and E-mail).

THE MAIN REQUIREMENTS FOR THE ISSUANCE OF AIRCRAFT CERTIFICATE OF REGISTRATION:

-The application letter, accompanied by the following:

1. Proof of ownership or leasing.
2. Certificate of former Registration.
3. Cancellation Certificate.
4. Certificate of Airworthiness.
5. Certificate of Insurance.
6. Payment of Registration fee(14,000 Frw.).

THE MAIN REQUIREMENTS FOR THE ISSUANCE OF AIRCRAFT CERTIFICATE OF AIRWORTHINESS:

-The application letter, accompanied by the following:

1. The aircraft must be maintained at an approved facility, by Civil Aviation Authorities.
2. The aircraft must have all the technical logbooks up to date as confirmed by Airworthiness Inspectors.
3. Inspectors must carry out physical inspection of the aircraft, including flight test and then write an inspection report to the concerned Ministry for action.
4. Payment of Airworthiness fee (14,400 Frw.), for up to 6 tones (Max. takeoff weight), and each additional tone is charged 240 Frw.

THE MAIN REQUIREMENTS FOR THE ISSUANCE OF PERSONNEL LICENSES:

-The application letter, accompanied by the following:

1. Presentation to the Aviation Authorities, the **original license** issued by the contracting States to ICAO.
2. Providing medicals if required.
3. Payment of License fee (5,000 Frw.).

Appendix IV

LISTE DES AVIATIONS ENREGISTRÉ AU RWANDA / LIST OF RWANDA REGISTERED AIR CRAFT.

N°	Compagnie/ Company	Immatriculation / Registration	Type	Propriétaire / owner		Activity	Base
				Nom/Name	Coordonnées		
A1	COMAIR LDT	9XR-CM	AN-28	KARAYENZI KIKI	Tél: 250 512253	Charter flights.	Kamembe.
		9XR-KA	AN-62F-28		Mob: 08302841		Kamembe.
2	SILVERBACK	9XR-SC	DC8-62F	Innocent MUPENZI	Mob: 08613576 / 08307260	Charter passenger/cargo flights.	Kanombe.
		9XR-SD	DC8-62F				
		9XR-SE	Helicopter R44II				
		9XR-SF	Helicopter R44II				
		9XR-SG	Helicopter R44II				
3	RWANDA AIRLINES	9XR-RA	BAC1-11	NGARAMBE Charles	Tél: 08300340 / 77669	They used to operate passenger services.	Grounded in Johns Bourg
4.	SUN AIR CHARTER	9XR-ST	AN-32	MAZEMPAKA Déo	Mob: 08302077	General cargo charter flights.	Kenya (Lokichoggio)..
		9XR-DS	AN-26				Kanombe
		9XR-SR	AN-28				Kenya (Lokichoggio)..

		9XR-MK 9XR-SM 9XR-SB 9XR-MJ 9XR-DB	AN-12BP LET 410 UVP AN-24. AN-24 AN-32			- Russia - Kenya (Lokichoggio). - Kanombe - South Africa	
5	AFRICAN COMMUTER SVCS RWANDA LTD	9XR-EJ 9XR-AB 9XR-IM	LET 410 UVP HS-748 AN-28	MUGISHA Alexis	Mob: 08505585	They operate contract passenger /general Cargo flights.	Kenya (Lokichoggio).
6	RWANDA GOVERNMENT	9XR-KD	DH6-300	MINADEF		This Aircraft has been accidented.	Grounded at Kanombe
7	AFRICAN AIR SERVICES	9XR-KI 9XR-KV 9XR-KG	AN-28 AN-28 AN 28.	GAHONZIRE Richard	Mob: 08303141	General cargo charter flights.	Kanombe.
8	CPT. CHALLE SERGE	9XR-CS	CESSNA-182	Capt.CHALLE Serge	Mob: 08562888	General Cargo charter flights.	Gisenyi.
9	CAPT. STEPHEN John Barker.	9XR-ZZ	PA-28-410 CHEROKE	CAPT. STEPHEN John Barker	08537677	The Aircraft has been grounded since 1993. Presently under Major repair	Kanombe

10	GAKUBA Alain.	9XR-AG.	AN-28	GAKUBA Alain	08300052.	Used to operates general cargo charter flights.	Grounded at Kanombe.
11.	TELE-10	9XR-EN	PA AZTEC	NYAGAHENE EUGENE	08301300	Used to operates Passenger schedule flights .	Grounded at Kanombe.

S/2005/73

United Nations S/2005/74

Security Council

Distr.: General
9 February 2005
English
Original: French

Letter dated 7 February 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

I have the honour to bring to your attention a statement on the report of the International Commission of Inquiry on Darfur, made on 7 February 2005 by the Presidency on behalf of the European Union (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Jean-Marc **Hoscheit**
Permanent Representative of Luxembourg to the United Nations

05-23257 (E) 100205 100205

Annex to the letter dated 7 February 2005 from the Permanent Representative of Luxembourg to the United Nations addressed to the Secretary-General

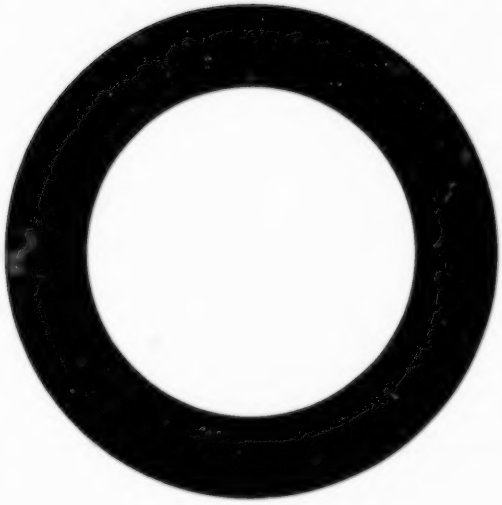
[Original: English, French and Spanish]

Statement on the report of the International Commission of Inquiry on Darfur issued on 7 February 2005 by the Presidency on behalf of the European Union

1. The European Union welcomes the report, and in particular the recommendations, of the International Commission of Inquiry on Darfur, established under Security Council resolution 1564 (2004), which has just been submitted to the United Nations Secretary-General. The European Union recalls that, from the outset, and in particular in the Council conclusions of 26 July 2004, it has stated its support for the establishment of this Commission of Inquiry.

2. The European Union expresses its concern at the findings of the inquiry, which attribute to the Government of the Sudan and the Janjaweed responsibility for serious violations of human rights and of international humanitarian law, which could be qualified as crimes against humanity. The European Union notes that the Commission also found rebel forces to be responsible for committing acts which could be classified as war crimes. The European Union is concerned at the fact that these attacks, which were noted throughout the inquiry, are continuing.

3. The European Union resolutely condemns these crimes and stresses the importance of putting an immediate end to impunity in Darfur. The Commission of Inquiry recommends that those responsible should answer for their acts before the International Criminal Court. In this context, the European Union reaffirms its constant support for the International Criminal Court, and reiterates its common position on the Court, while noting that it is for the United Nations Security Council to take a rapid decision on this matter.



United Nations A/59/696–S/2005/75

General Assembly
Security Council

Distr.: General
9 February 2005

Original: English

General Assembly
Fifty-ninth session
Agenda item 29
Question of Cyprus

Security Council
Sixtieth year

Letter dated 7 January 2005 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government and further to my letter dated 16 December 2004, addressed to you (A/59/627-S/2004/980), I have the honour to draw your attention to new violations of the flight information region (FIR) of Nicosia and the national airspace of the Republic of Cyprus by military aircraft of the Turkish Air Force, recorded on 16, 18 through 22 and 29 December 2004, on 12, 15, 22, 25, 26, 28, 29 and 31 January 2005 and on 1 February 2005, as follows.

On 16 December 2004, one (1) Cougar Turkish military aircraft entered the FIR of Nicosia, violating the international air traffic regulations and the national airspace of Nicosia, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, and then later at the illegal airport of Krini, where it remained.

On 18 and 19 December 2004, four (4) Turkish military aircraft of unknown type, carried out a total of four (4) violations of international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) One (1) Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Apostolos Andreas in a search and rescue mission.

(b) The other three (3) Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied areas of Morfou, Mesaoria and Karpasia, before landing at the same airport.

On 20 December 2004, two (2) F-4 Turkish military aircraft coming in one formation, one (1) B-200 and one (1) Cougar, entered the FIR of Nicosia, carrying out a total of three (3) violations of international air traffic regulations and two (2) violations of the national airspace of Cyprus, as follows:

(a) The formation of the two (2) F-4 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations, before exiting in the opposite direction.

05-23269 (E) 100205

(b) The B-200 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou.

(c) The Cougar Turkish military aircraft took off from the illegal airport of Tymbou, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Morfou and over the Kokkina pocket, before landing at the same airport.

On 20 and 21 December 2004, one (1) B-200 Turkish military aircraft and two (2) F-4 Turkish military aircraft coming in one formation, carried out a total of two (2) violations of international air traffic regulations and one (1) violation of the national airspace of the Republic of Cyprus, as follows:

(a) The B-200 Turkish military aircraft took off from the illegal airport of Tymbou, violating the national airspace of the Republic of Cyprus, before exiting towards the FIR of Ankara.

(b) The formation of F-4 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating the national airspace of the Republic of Cyprus, before exiting in the opposite direction.

On 21 and 22 December 2004, two (2) F-4 Turkish military aircraft coming in one formation and one (1) C-130 Turkish military aircraft, carried out a total of three (3) violations of international air traffic regulations and two (2) violations of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of F-4 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations, before exiting in the opposite direction.

(b) The C-130 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 29 December 2004, one (1) C-130 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 12 January 2005, one (1) C-130 Turkish military aircraft and one (1) CN-235 Turkish military aircraft, coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where they departed on the same day in the opposite direction.

On 15 January 2005, one (1) C-130 Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the

illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 22 January 2005, one (1) Cougar Turkish military aircraft entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Krini, where it remained.

On 25 January 2005, two (2) Turkish military aircraft of unknown type, carried out a total of three (3) violations of international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The first Turkish military aircraft of unknown type coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

(b) The second Turkish military aircraft of unknown type took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied areas of Mesaoria and Ammochostos, before landing at the same airport.

On 26 January 2005, a total of six (6) F-16 Turkish military aircraft coming in two (2) formations (1X4, 1X2), one (1) C-160 Turkish military aircraft and one (1) Turkish military aircraft of unknown type, entered the FIR of Nicosia, carrying out a total of five (5) violations of international air traffic regulations and three (3) violations of the national airspace of the Republic of Cyprus, as follows:

(a) The first formation (1X4) of F-16 Turkish military aircraft coming from a westerly direction entered the FIR of Nicosia, violating international air traffic regulations, before exiting towards the FIR of Ankara.

(b) The second formation (1X2) of F-16 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations, before exiting towards the FIR of Ankara.

(c) The C-160 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 28 January 2005, four (4) F-16 Turkish military aircraft coming in one formation, and two (2) Turkish military aircraft of unknown type entered the FIR of Nicosia, carrying out a total of four (4) violations of international air traffic regulations and three (3) violations of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of F-16 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations, before exiting in a westerly direction.

(b) The first Turkish military aircraft of unknown type coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations and the national airspace of the Republic of Cyprus, flying over the occupied area of

Mesaoria, before landing at the illegal airport of Tymbou, from where it departed on the same day in the opposite direction.

(c) The second Turkish military aircraft of unknown type took off from the occupied area of Kyrenia, violating the national airspace of the Republic of Cyprus, flying over the occupied areas of Morfou, Cape Kormakitis and Kyrenia, before landing at the illegal airport of Krini.

On 29 January 2005, two (2) Cougar Turkish military aircraft took off from the illegal airports of Krini and Tymbou respectively, carrying out a total of two (2) violations of international air traffic regulations and the national airspace of the Republic of Cyprus, as follows:

(a) The first Cougar Turkish military aircraft took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Morfou and the Kokkina pocket, before landing at the same airport.

(b) The second Cougar Turkish military aircraft took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, before landing at the illegal airport of Tymbou, from where it departed on the same day towards the FIR of Ankara.

On 31 January 2005, two (2) F-16 Turkish military aircraft coming in one formation, and one (1) Cougar Turkish military aircraft entered the FIR of Nicosia, carrying out two (2) violations of international air traffic regulations and one (1) violation of the national airspace of the Republic of Cyprus, as follows:

(a) The formation of the two (2) F-16 Turkish military aircraft coming from the FIR of Ankara entered the FIR of Nicosia, violating international air traffic regulations, before departing in the opposite direction.

(b) The Cougar Turkish military aircraft took off from the illegal airport of Krini, violating the national airspace of the Republic of Cyprus, flying over the occupied area of Morfou, before landing at the Kokkina pocket, from where it took off and landed at the illegal airport of Krini.

On 1 February 2005, eight (8) Turkish military aircraft [two (2) F-16 and two (2) F-4] coming in two formations from the FIR of Ankara entered the FIR of Nicosia, carrying out two (2) violations of international air traffic regulations, before departing in the opposite direction.

On behalf of the Government of the Republic of Cyprus, I strongly protest the above violations and call for their immediate cessation. The Government of Turkey should respect international law and air traffic regulations and refrain from actions which seriously endanger international civil aviation. The Government of Turkey should also heed the call of the international community and respect the sovereignty, independence and territorial integrity of the Republic of Cyprus and contribute to the creation of the required conditions for the achievement of progress to the long-standing political problem in Cyprus.

In the wake of the decision of the European Council on 17 December 2004 to open accession negotiations with Turkey in the autumn of this year, we earnestly believed that we could expect a more constructive and less arrogant and threatening behaviour by Turkey, a country which aspires to be a member of the European

Union. It is high time that Turkey heeds the message of times and starts behaving in accordance with accepted principles and standards.

I should be grateful if you would have the present letter circulated as a document of the General Assembly, under agenda item 29, and of the Security Council.

(*Signed*) Andreas D. **Mavroyiannis**

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Security Council

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Letter dated 7 February 2005 from the Chairman of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda (see annex), which was adopted by the Committee under the no-objection procedure on 4 February 2005, and is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant to
resolution 918 (1994) concerning Rwanda

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Annex

Report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda

I. Introduction

1. The present report of the Security Council Committee established pursuant to resolution 918 (1994) concerning Rwanda covers the period from 1 January to 31 December 2004.

2. The previous report of the Committee, submitted to the Security Council on 20 February 2004 (S/2004/134), covered the period from 1 January to 31 December 2003.

II. Background

3. Although the restrictions imposed by paragraph 13 of resolution 918 (1994) on the sale or supply of arms and related materiel to the Government of Rwanda were terminated on 1 September 1996 in accordance with paragraph 8 of resolution 1011 (1995), all States are required to continue to implement the foregoing measures with a view to preventing the sale and supply of arms and related materiel to non-governmental forces for use in Rwanda.

4. At the 4888th meeting of the Security Council on 22 December 2003, the outgoing Chairman, Ambassador Mekdad, referred briefly to the implementation of the measures. He explained that the Committee did not hold any formal meetings in 2003 because it had received no information on violations of the resolution. Ambassador Mekdad pointed out that this did not necessarily mean that there had been no violations, and emphasized that any arms smuggling had to be stopped. The Chairman also praised the Council's visit to the countries of Central Africa and stated his belief that the Council should pay appropriate attention to the situation in that regime in the future.

III. Bureau of the Committee for 2004

5. For 2004, the Bureau of the Committee consisted of Ambassador Abdallah Baali (Algeria) as Chairman, the delegations of Benin and Spain providing the two Vice-Chairmen.

IV. Observations

6. In the absence of a specific monitoring mechanism to ensure the effective implementation of the arms embargo, the Committee would like to recall its previous observation that it relies solely on the cooperation of States and organizations in a position to provide information on violations of the arms embargo. During the reporting period, no violations of the arms embargo were brought to the attention of the Committee.